MOBILITY ACROSS BORDERS: BETWEEN TRADITION AND COERCION

THE PROCEEDINGS OF THE 1ST INTERNATIONAL SYMPOSIUM ON MIGRATION AND DIASPORA

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Migration is a global phenomenon, arguably due to globalisation and other complexities. While some people move voluntarily, some of them are unfortunately forced to be displaced. Violent conflict, natural disasters and climate changes, to name a few, are some driving forces for the forced migration. However, those who perform both voluntary and forced migration share the same objective, to have a better life and escape the poverty. In recent decades we have witnessed the influx of people across borders. From 153 million international migrants in 1990, the figure increased significantly to 258 million in 2017 (UNDESA, 2017). Given this massive number, despite its positive benefit, migration can also lead to negative consequences such as loss of life, family separation, illegal trafficking or smuggling. Some possible topics for discussions are the followings but not limited to e.g. governance of migration, forced migration and regional security, humanitarianism of refugees, diaspora community and social network, hybridity and identity formation. They are covered in the following proposed themes:

- Refugee’s governance, humanitarianism and policy
- Migration and human trafficking
- Migration and cultural heritage
- Migration and identity

The symposium involving both academics and professionals who have interests in the migration. Some possible professionals such as representatives of the government officials, the UNHCR, IOM, ILO, International Rescue Committee and local NGO Tenaganita. The symposium will be held on 2nd & 3rd December 2019, in conjunction with the 8th International Conference on Southeast Asia (ICONSEA2019), and to commemorate the upcoming International Migrants Day (18 December).
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SKILLED MIGRATION, HUMAN CAPITAL FORMATION AND ‘EDUCATED UNEMPLOYMENT’: AN EMPIRICAL INVESTIGATION

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ABSTRACT

This paper examines the effect of skilled migration on human capital formation and unemployment of educated workers in some migrants’ source developing countries. The paper uses fixed and random effect regressions on panel dataset of human capital level, skilled migration rate and educated unemployment from 89 and 39 migrants’ sending developing countries over the period of 1975 – 2000 and distinguished between short-run and long-run effects of skilled migration on human capital formation. The results reveal that in the short run prospect of skilled migration exerts significant effect on educational investment in migrants’ source developing countries. Moreover, in the long run it leads to a reduction in the stock of better educated professionals. The results further show that the possibility of skilled migration attenuates skilled unemployment in migrants’ source developing countries. From the policy standpoint, the paper shows that policymakers in migrants’ source countries can use the potentials of international migration to reduce skilled unemployment in their development process while monitoring the challenges of skilled migration by identifying and controlling sectors that can be prone to brain drain.

Keywords: Skilled Migration: Human Capital Formation: Educated unemployment: Developing Countries

INTRODUCTION

The recent literature on brain drain argues that higher prospects of skilled migration to higher-returns-to-skill countries induce would-be migrants to invest more in their own education. Consequently, since international migration involves limits due to ‘quality selective’ immigration policies in the destination countries, not all aspiring skilled migrants would eventually migrate. Therefore, the possibility of skilled migration can result in human capital creation as the ex-post (i.e., after emigration occurs) average level of human capital stock in migrants’ source countries increases. In other words, the average level of human capital stock created in developing countries with skilled migration possibilities might be higher than that created in developing countries without such possibilities (Stark and Dorn 2013; Di Maria and Lazarova, 2012; Beine...
et al. 2001, 2008, 2011; Stark 2004). Furthermore, Fan and Stark (2007a:2011) demonstrated that the prospect of international migration might result not only in human capital creation, but also in ‘educated unemployment’ when the increased supply of skilled labour meet constant demand, due to sticky wages, in migrant-sending developing countries. While some empirical research have been conducted on the issue of international migration of skilled workers, the issue of educated unemployment has yet to receive any formal empirical test in the received literature.

In view of these, this paper examine the effects of skilled migration on human capital formation and unemployment of educated workers in migrant-sending developing countries. Using available data on skilled migration rates over the period 1975-2000 with five-year frequency, this paper contributes to the existing literature by using a panel data approach instead of cross-sectional. We also extend the literature by empirically testing the recent development in the theoretical literature of skilled migration: that the possibilities of skilled migration lead to ‘educated unemployment’ in migrants’ source developing countries as proposed by Fan and Stark (2007a).

Our results show that the probability of skilled migration to destinations where the return on education is relatively higher than at home induces human capital investment in migrants’ origin countries in the short run. However, in the long run it leads to a reduction in the stock of better educated professionals. We also found that skilled migration attenuates skilled unemployment in the migrants’ country of origin. The rest of the paper is organized as follows; section 2 presents literature review, section 3 describes empirical methods and data sources, section 4 explains results and section 5 concludes.

LITERATURE REVIEW

In their classic works, Stark et al, (1997) and Stark and Wang, (2002) highlight circumstances in which the possibility of employment abroad, influence the level of human capital created by optimizing prospective migrants than when such possibility is absent. They argued that from a welfare point of view, when productivity is nurtured by knowledge and skills acquired by workers and the average level of human capital available in an economy closed to migration, individuals will under-invest in their educational attainments. Fan and Stark (2007a: 2011) further demonstrated that higher probability of skilled migration to work abroad, where wages and working condition are better compared to home country, impinges on potential migrants minimum-wage limit in the home country’s labour market. This causes voluntary “educated unemployment” as abortive foreign job-seekers in home country fail to work in their own country, but engage repeatedly in foreign job-search and involuntary “educated unemployment” due to sticky wages in the labour market of the country of origin.

From the empirical perspective a number of studies have examined the effect on human capital formation caused by the prospect of skilled migration in migrant-sending developing countries. Among the earliest contributions were the works of Beine et al. (2001; 2008) and Di Maria and Lazarova, 2012 who found evidence that skilled migration was accompanied by higher education investments in migrant-source countries. However, using cross-sectional data on school enrollments from 90 developing countries, Ngoma and Ismail (2013b) showed that skilled migration negates human capital investments in migrants’ source countries in the short term. Similarly, in rural Mexico, Mckenzie and Rapoport, (2010) discovered that international migration depresses schooling attendance and achievement.

MODEL SPECIFICATION

This paper uses panel data from 89 developing countries to measure the effect of skilled migration prospects on human capital formation, and educated unemployment. This method is
chosen due to lack of harmonized time series data on skilled migration rates. The first equation regresses human capital investment on skilled migration rate and other relevant control variables while the second equation regresses skilled unemployment rate on skilled migration rate and control variables as explained below.

The human capital equation (Eqn. 1) is estimated using explanatory variables such as skilled migration rates (denoted by $lnm_i$), skilled migration rates squared (denoted by $(lnm_i)^2$) and a set of control variables, which include; workers’ remittances, population size in migrants’ source countries, gross domestic product (GDP), and public expenditure in education at origin denoted by $(ln\delta_i)$ and $\varepsilon_{it}$ is the usual error term. The econometric model can be specified as follows:

$$lnH_{it} = \alpha + \beta_1 lnm_{it} + \beta_2 (lnm_{it})^2 + \beta_3 ln\delta_{it} + \varepsilon_{it} \quad (1)$$

The unemployment equation (Eqn. 2) is also estimated using three independent variables in different ways. The variables include; Inflation rate, denoted by $(ln \pi_{it})$, skilled migration rate denoted by $(lnm_{it})$, and a set of control variables denoted by $(ln\delta_{it})$ which represent foreign direct investment, the growth rate of GDP or population growth rate depending on the control used in the equation and $\varepsilon_{it}$ is the usual error term. The econometric model is as described below:

$$ln\mu_{it} = \alpha + \beta_1 ln\pi_{it} + \beta_2 lnm_{it} + \beta_3 ln\delta_{it} + \varepsilon_{it} \quad (2)$$

**DATA SOURCE**

This paper utilized data from many different sources. The data on international migration by educational attainments (skilled migration rates) is from Defoort (2008) who employed the same techniques as earlier used in the Docquier and Marfouk (2006) data set on international migration by skills level. The data is only available for the period of 1975 – 2000 with a five year frequency. Data on human capital (average year of tertiary schooling) is from Barro and Lee (2013). Finally data on remittances, population, and gross domestic product per head (GDP), growth rate of GDP, foreign direct investment, inflation rate, population growth rate and the unemployment rate were all collected from World Development Indicators (WDI). All the data are transformed into the natural logarithm to normalize their scale.

**EMPIRICAL RESULTS**

Table 1, column 3-6 present the results of the effects of skilled migration prospects on human capital formation using fixed effect panel data estimation. Column 3-6 shows that the coefficient of skilled migration rate is positively significant in all the models. This implies that possibility of skilled migration abroad, where the return to schooling is higher, influences educational investment in migrants’ source developing countries in the short run. In columns 4-5 we include time dummies to test for time effects. The result shows that there are time effects. However, one of the time dummies is insignificant hence it was dropped and the result is presented in column 5.
As earlier noted, we incorporated skilled migration rate squared to capture any possible non-linearity or long-run effects. Surprisingly the result (columns 3-5) shows a negative significant impact, describing an inverted U-shaped relationship between skilled migration rate and human capital formation. This suggests that in the short-run educational attainment response positively to the international migration possibility. However, such response tends to be negative in the long run as skilled migration selectively erodes the stock of human capital generated in migrants’ source developing countries. In other words, the ex-ante (i.e., before the emigration occurs) increase in human capital stock caused by possibility of skilled migration is seems to be dominated by the 'emigration effect' hence the net increase in human capital stock ex-post falls below the outflow of human capital from migrant-sending developing countries.
Table 1. Skilled Migration Rate and Human Capital accumulation

<table>
<thead>
<tr>
<th></th>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
<th>(5)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Constant</strong></td>
<td>-10.293***</td>
<td>-13.552***</td>
<td>-28.824***</td>
<td>-20.738***</td>
<td>-17.483***</td>
</tr>
<tr>
<td></td>
<td>(-14.33)</td>
<td>(-12.50)</td>
<td>(-16.50)</td>
<td>(-8.54)</td>
<td>(-5.68)</td>
</tr>
<tr>
<td><strong>Skilled mig</strong></td>
<td>-0.302</td>
<td>0.146</td>
<td>0.349**</td>
<td>0.349***</td>
<td>0.354***</td>
</tr>
<tr>
<td></td>
<td>(-0.85)</td>
<td>(0.68)</td>
<td>(2.51)</td>
<td>(2.71)</td>
<td>(2.88)</td>
</tr>
<tr>
<td><strong>Skilled mig SQR</strong></td>
<td>0.156</td>
<td>-0.087</td>
<td>-0.194***</td>
<td>-0.187***</td>
<td>-0.187***</td>
</tr>
<tr>
<td></td>
<td>(0.93)</td>
<td>(-0.85)</td>
<td>(-2.83)</td>
<td>(-2.98)</td>
<td>(-3.09)</td>
</tr>
<tr>
<td><strong>Remittance</strong></td>
<td>0.096***</td>
<td>0.081***</td>
<td>0.017</td>
<td>0.015</td>
<td>0.007</td>
</tr>
<tr>
<td></td>
<td>(3.76)</td>
<td>(3.49)</td>
<td>(0.72)</td>
<td>(0.65)</td>
<td>(0.30)</td>
</tr>
<tr>
<td><strong>Population</strong></td>
<td>-0.488***</td>
<td>-0.183***</td>
<td>1.229***</td>
<td>0.782***</td>
<td>0.642***</td>
</tr>
<tr>
<td></td>
<td>(-11.14)</td>
<td>(-2.24)</td>
<td>(7.45)</td>
<td>(3.88)</td>
<td>(2.86)</td>
</tr>
<tr>
<td><strong>Growth</strong></td>
<td>0.605***</td>
<td>0.553***</td>
<td>0.297***</td>
<td>0.256***</td>
<td>0.219***</td>
</tr>
<tr>
<td></td>
<td>(12.27)</td>
<td>(9.92)</td>
<td>(4.62)</td>
<td>(3.68)</td>
<td>(3.14)</td>
</tr>
</tbody>
</table>

B-P LM test

432.76***

[0.000]

Hausman test

130.80***

[0.000]

Values in parenthesis and bracket are t statistics and P-values respectively; ***significant at 1%; **significant at 5%; *significant at 10%. Column (1) is OLS result. Column (2) is random effect result. Columns 3-4 are fixed effect results. In columns 4-5 time effect is included and they are jointly significant.

Source: Authors’ estimation.

With regard to the impact of the skilled migration on educated unemployment in migrants’ source countries, in table 2, column 3 from each model, the coefficient of skilled migration rate is negatively significant which shows that skilled unemployment respond negatively to increase in the probability of skilled migration in migrants’ sending countries. In other words, unemployment of skilled individuals in developing countries falls when some seek employment abroad. This finding confirms that unemployment of educated workers, which partly fuel international migration from developing countries (Ngoma and Ismail 2013a), declines with actual migration of skilled labour.
Table 2. Skilled Migration Rate and Educated Unemployment

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td></td>
<td>(8.43)</td>
<td>(7.80)</td>
<td>(8.32)</td>
</tr>
<tr>
<td>Inflation</td>
<td>-0.120</td>
<td>-0.354*</td>
<td>-0.401*</td>
</tr>
<tr>
<td></td>
<td>(-0.48)</td>
<td>(-1.67)</td>
<td>(-1.85)</td>
</tr>
<tr>
<td></td>
<td>(4.64)</td>
<td>(1.63)</td>
<td>(-2.27)</td>
</tr>
<tr>
<td>FDI</td>
<td>-1.241</td>
<td>8.0912</td>
<td>4.091</td>
</tr>
<tr>
<td></td>
<td>(-1.57)</td>
<td>(0.13)</td>
<td>(0.63)</td>
</tr>
<tr>
<td>GDP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B-P LM Test</td>
<td>108.98***</td>
<td>115.09***</td>
<td>120.08***</td>
</tr>
<tr>
<td></td>
<td>[0.000]</td>
<td>[0.000]</td>
<td>[0.000]</td>
</tr>
<tr>
<td>Hausman Test</td>
<td>11.68***</td>
<td>11.65***</td>
<td>11.96***</td>
</tr>
<tr>
<td></td>
<td>[0.003]</td>
<td>[0.003]</td>
<td>[0.008]</td>
</tr>
</tbody>
</table>

Values in parenthesis and bracket are t statistics and P-values respectively; ***significant at 1%; **significant at 5%; *significant at 10%. All variables are estimated in levels due to negative sign in some of the observations. Column (1) is OLS result, Column (2) Random Effects result while Column (3) is Fixed Effect result.

Source: Authors’ estimation.
CONCLUSION

In this paper, we examine the effects of skilled migration rate on human capital formation and educated unemployment in migrants’ source developing countries using a panel dataset over the period of 1975 – 2000 with a five year frequency. First, we find that, in the short-run, higher probability of skilled migration increases incentives to invest in human capital formation in the migrants’ source developing countries. However, in the long run, skilled migration leads to decline in the stock of human capital generated in migrants’ source developing countries. Second, contrary to the notion that a higher prospect of skilled migration stimulates educated unemployment, we find that unemployment of educated workers, in migrants’ source countries, actually declines with migration possibilities, which allows the unemployed to seek employment abroad. Our findings, lend support to the concerns expressed by policy-makers in migrant-source developing countries over the loss of their trained professionals to developed countries through migration.

REFERENCES


SETTLER COLONIALISM, FOUCAULDIAN BIOPOLITICS AND INDIGENOUS IDENTITY: AN EXPERIENCE FROM RAKHAIN COMMUNITY OF BANGLADESH

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Abstract
Historically, the emergence of colonization correlates in many central colonizing states with the growth of liberalism, even after its colonial disappearance. Bangladesh is independent for around 50 years, yet, the colonial mentality remains the same in the political and functional treatment of the indigenous. Documented, since the Mughal of 1715, Indigenous people of Hill tracts in Bangladesh have been under threat and subjugation of state. This paper aims to analyse how an independent Nation-state makes its Indigenous people changed in demography and identity with the case of Rakhain community of Bangladesh by settler colonies. This research design and/or framework informs the Indigenous research paradigm-IPR, focused on the biopower of Foucault, with the support of the longue durée of historiography, “logic of elimination” of Patrick Wolfe and observational fieldwork with sharing circle. The study comes with a three outcomes, that, colonialism is a separate field of knowledge that has congruence with IRP, and not a sub type of colonialism. Then, settler colonialism is not only the expansionist model worked as neo-liberal ideology, rather a radical religious sentiment was also crucial in illuminating Indigenous identity and political demography. Third, the role of intellects has been supporting tools for implementing settler colonies in hill tracts of Bangladesh since 1906. The study covered the whole hill tracts, but focused with Rakhain Indigenous community of Hill tracts among 13. This study suggested with practical activities from the researcher, that, the critical consciousness of the marginalized Rakhain, is the first phase towards liberation and democratization. In it, first ever in the IRP adopts Ihsan (good actions for good deeds) as a practical and conceptual contrivance for social harmony and stability beyond academia and for policy planners (who are usually too busy to listen any constructive suggestion, at least in Bangladesh).

Keywords: Settler colonialism, Chittagong Hill Tracts-CHT, Bangladesh, Rakhain, Indigenous research paradigm-IRP, biopower, longue durée, Ihsan.
Introduction: seeing the text and setting the context of the conundrum

The issue of settler colonialism, to us, is not an inclusive province or sub-type (Shoemaker, 2015; Rowe & Tuck, 2017 claims so) to colonial study or colonialism, or a topic of post-colonial paradigm nor the only subject matter of Indigenous study rather it is separate field of knowledge (Wolfe, 1999, 2006, 2016; Veracini, 2010, 2011a; 2017; Barker, 2012). Settler colonialism (hereafter SC) is, a separate field and plausibly, our first stance in seeing the following text of settler colonialism; however, an overlapping is tacit as these are “intertwine, interact, and overlap (Veracini, 2010, p.4), understood, an “inherent dissimilarity” (p.34). Master of Deconstruction Jacques Derrida says, “What is writing?” [that] means “where [place of the writing] and when [the time] does writing begin?” (Derrida, 1976, p.28). If we take this, what settler colonialism (SC) is, it comes to us as where the colonialism begins, and when, since 1492 with Columbus. Till then to 1960s the social sciences (Malinowski, Frazer, Spencer, Durkheim, Evans-Pritchard) (in fact Geography, Botany such Joseph Banks, Darwin, Linnaeus) and so forth, have worked as an agent of colonialism throughout the world (Pels, 1997), even till now (Table-2). In the 1960s, or the Frankfurt school or, Louis Althusser, Alvin W. Gouldner, Teodor Adorno’s stand unmasked the western objectivity and interrogated the role of research. For instance, Gouldner says, “[s]pecifically, I suggest that a norm of reciprocity, in its universal form, makes two interrelated, minimal demands: (1) people should help those who have helped them, and (2) people should not injure those who have helped them (1960, p.171). This argument is definitely divergent, as we can see that the time was indeed demanding changes. Not only social science in specific but philosophy of science in general should differentiate themselves from the creation of objectivity and facts and recognize the subjective nature of study, where the function and experience of researchers in particular and how they are interrelated with established cultures (Pels, 1997; Mbembe, 2019; Coulthard, 2014). Soon after the post-colonial paradigm came in fore with a heralding voice from around the world. Althusser’s student Michel Foucault, Jacques Derrida from French, from African continent Masrui, Hountondji; Syed Husein Alatas from Malaysia; Edward Said from Palestine, From Indian context, we see Nandy, Bhabha, Spivak and the subaltern movement; from north America, anthropologist Clifford Geertz, feminist Patricia Collins, Sandra Harding; from Latin region development anthropologist Escobar, are the voices to name among few. Among them, Vine Deloria (1969) is very pointedly focused Indigenous people, and Gayatri Spivak’s (2013) voice is for dalit (untouchable schedule caste), pioneered. Meanwhile, formal colony have disappeared, yet, their laws, education system, policies were remaining as acting agencies of colonies (for instance, see, Fanon,

To some extent, this mode of control, and nation-state’s treatment towards the Indigenous population gives a strong ground to Indigenous scholars to stand with their own ‘standpoint’, an Indigenous standpoint (Nakata, 2016, 2007). Plausibly, a completely new way of thinking in Indigenous research. Canadian scholar Oscar Kawagley first provoked Indigenous methodology. Oscar’s unique thought inspired many leading Indigenous scholars and activists. Maori (Smith, L 2013 [1999], 2017), Canadian First Nations (Cajete 1994; Kawagley, 2006 [19921]; Wilson, 2001), Aboriginal Australian (Nakata, 2007; Martin & Mirraboopa, 2003; Paradies, 2016; Rigney, 1999), collectively and individually awakened, simply made a revolutionary contribution, practically and philosophically, their voices immured with indigenous people’s heart-rending cry since centuries. These household names are not only interrogating the education system, methodologies, policies that all are originated from western societies and their scientific institutions, but attacking by Indigenous standpoint. This intellectual position, unlike the critical school, or beyond, summed up in one point, and converge on which Linda Smith says, *re-right and re-write* back the Indigenous peoples and their lives. This research relationship is not a one-way street nor, as a whole, holistic philosophy of gender, sexism, queer theory. This methodology indeed centers Indigenous people, their ‘*lifeworld,*’ reciprocal relationship with living and non-living things, and grapple against of land grabbing, displacement, state-subjugation—all aspects of life. Yes, settler colonialism (was) is a part. Among many, this particular agenda came in fore by Patrick Wolfe, a life-long champion of Indigenous people, in parallel, to Palestinian. Police arrested him for his activities of the marginal people, and this man is tributed for “an account of settler colonialism” (Silverstein, 2016). Wolfe is turning point in the study of Settler Colonialism, with an immense influence in this new field (Veracini, 2010), where Indigenous research paradigm can be the philosophical base (Lowman & Barker, 2004; Barker, 2015a; Barker & Pickerill, 2019)—the juncture of our study, Indigenous Paradigm and settler colonialism walks in hand. Several grounds that we see in texts which made the argument that Settler colonialism is a separate issue in epistemology or a branch on knowledge, and this, as we told, roots to Patrick Wolfe.

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1Oscar Kawagley is one of the first scholar used Indigenous methodology in his Ph D thesis in 1992, and also pioneering work in Indigenous paradigm.
The primary object of settler-colonization is the land itself rather than the surplus value to be derived from mixing native labour with it. Though, in practice, Indigenous labour was indispensable to Europeans, settler-colonization is at base a winner-take-all project whose dominant feature is not exploitation but replacement. The logic of this project, a sustained institutional tendency to eliminate the Indigenous population, informs a range of historical practices that might otherwise appear distinct - invasion is a structure not an event (Wolfe, 1999, p.163).

So, “[f]or Indigenous nations to live, capitalism must die. And for capitalism to die, we must actively participate in the construction of Indigenous alternatives [metaphysics] to it” (Coulthard, 2014, p.173). We are seeking the history of present CHT (Foucauldian Interpretative Analytics), as it matters to Indigenous people (Smith, L. 2013) and “[h]istory provides resources for change (Evans, Genovese, Reilly, & Wolfe, 2012, p.6)” As in Bangladesh, if we look at this demographic trend, Table 3 provides a reverse scenario what Guru Wolfe assumes in his traces of history, [t]here could hardly be a clearer example of settler colonialism’s replacement of Natives by immigrants (Wolfe, 2016, p.250), the case of Bangladesh is they neither solely immigrants, not settler, but state backed, patronized. However, the logic are applicable in the context of Bangladesh.

Taken this statement, we can move with a logic before give the logic of elimination of Indigenous people of Bangladesh. In this point, we refer a group of scholars who devote their scholarship for settler colonialism.
Settler Colonialism as a separate Field

Drawing: After 1999

This figure 1 demonstrates the evolving process of SC a separate field of knowledge, that is commonly overlaps with colonialism, post-colonialism, migration or diaspora even, yet a separate. In the figure, we separated the the iconic publication of Patrick Wolf (1999) to 2011, the publication year of Journal of Settler Colonialism Studies. If we succinct these volumes above mentioned in figure-1, some points may be revealed.

“Two is not three” (Veracini, 2010, p.17), the first point is that all the migrants are not settlers, or cannot be settlers. Similarly, all colonials are not settlers. Sideline the cases of Australia, Canada or north America, and look at Asian nations (Like in Malaysia, Portuguese came and went back, in India, Portuguese, Dutch and British came, did not settle). In our fieldwork, we saw, in recent years over 909 000 Royinga people came (https://unocha.org/rohingya-refugee-crisis). They will be settlers, true. They are refuge migrants, but less chances to be settler colony (too early to say). Nevertheless, these people will not be settler colonial towards the Indigenous people of Bangladesh, until the state patronize them. So it lead to us, another point. Settler people remade themselves that James Belich (2009) through state legal provisions. Settler people can or capable for a sovereign capacity, as a distinctive feature of settler studies. Settler people has or been given regenerative capacity in order for sustain, shelter and survive in terms of political control in the newly settled places. Field visit in CHT
Jahid Siraz, Haris Abd Wahab, Rashid Bin Mohd Saad

gives us two major findings, one, the settler people were receiving cash money and monthly ration from local authority. And a parliament member was elected in 2008 from Bangalee (Bangladeshi) community, first time ever in the history where Indigenous people was 98% in 1947 (Alam, 2016). In the field we observed that people of Indigenous community have to abide by their own customary political organization, in parallel, the government appointed Bangalee representatives to control the Indigenous people’s life and land. *Settlers work for sameness* for own unity, work, and making a connection with their root. But migrants or refugees never intended to their roots. Refugees are volitional to local system, in contrast, *settlers are inclined to origin*. For instance, there are many bus roots from CHT to other plains lands, even some luxurious couches are visible. One elderly respondent says, “twenty years back there had no buses available for going to the capital city even, now, almost all the remote districts are connected by bus services.” Therefore, settler colonialism is more with nation-states, majority issues, and land, instead of resources (Wolfe, 2006). In reverse, colonialism is more with resources. In seeing the text of settler colonialism, and setting the context of settler studeis, we take Indigenous paradigm as of the philosophical background of this present study. “Indeed the link between Indigenous studies and settler colonial studies is still in process” (Snelgrove et al., 2014 p.9), and in context of Bangladesh, there is gaping hole, either in theoretical and practical ground. So, this discussion is in one hand historical, or history of presence, simultaneously, it carries through bio-power (Dreyfus & Rabinow, 2014; Agamben, 2005) of nation-state, that power gives the logical elimination of Indigenous people.

Discussing Settler Colonialism in context of Bangladesh, we find it is still an “unsettling about decolonization” (Tuck & Yang, 2012) in Indigenous paradigm. The Rakhain and all these 13 communities, those who are living in the chittgaing Hill Tracts (CHT), we are talking about, came under the Mughal rule in 1715 (Alam 2016), then in the British rule in 1860, a western law, or philosophically, under the historical ontology of state (Dreyfus & Rabinow, 2014) and in parallel, western metaphysics (Derrida, 1976, 2007). So, the aim is of this article is here as,

*What is the nature of Settler colonialism in CHT.*

*Why does the state do these schemes*

*How can the people (we) overcome these issue for a peaceful respectful live for the Indigenous people of Bangladesh*

With this relational questions, “[w]e, at least in part, want others to join us in these efforts, so that settler colonial structuring and Indigenous critiques of that structuring are no longer
rendered invisible in our research (Tuck & Yung, 2012)” or not hidden under the curtain of other discipline.

2. Settler colonialism in Bangladesh Context: a caution of Gayatri Spivak
This part starts with a warning: A rising, impressive number of anthropologists, sociologists, including some from Bangladeshi indigenous communities who could introduce rich and well-known Aboriginal expertise to the settlers of colonial studies. Gayatri Spivak(2013), an exotic follower of Theodor Arnold, Frantz Fanon and Edward Wadie Syed, warned in the 1990s, when Subaltern movement was momentous, that, everyone adopts this method of Historiography, that time, Spivak warned too, about the romanticizing and homogenizing Subaltern. Herewith, I refer, few works such are Uddin (2011, 2019). First, Decolonising ethnography in the field: an anthropological account, is a verbal description of power relation management, a self-engagement in the investigation operation. In a close review, no theoretical provision made, neither any Indigenous scholarly work was cited, as if, the description of self-engagement and negotiation of power relation is to ‘a decolonizing process’ for Indigenous people under IRP. Nevertheless, power relation, maintenance or its negotiations is an ethical issue in Critical research (Denzin & Lincoln, eds. 2011) even post-positivist paradigm (Groh, 2018). By all means, decolonizing research is Indigenous methodolology, and reciprocity is one of the major component in it (Smith, L, 2013; Wilson, 2008). Later, a book was sent to us, Indigeneity on the Move: Varying Manifestations of a Contested Concept, an edited collection(Gerharz, Uddin & Chakkarath, 2017). We were really hoping that IRP has been an exercise in Bangladesh. We are astonished at the book consists a forward by (famous) anthropologist Adam Kuper, prominent classical ethnographer, he is the intellectual, in 2003, who compared and attacked Indigenous movement, and in BBC news by saying “...retrograde, anti-progressive and right-wing (Kenrick & Lewis, 2004, p. 4)” This Adam Kuper has written the preface of a decolonized researcher’ book and seems that decolonization is really a romance in research. On reviewable comment, the commentary box, we kept empty for romanticizing of such scholar like (Uddin, 2011; Gerharz et al., 2017). Other recent works we are referring, too, from Bangladesh perspective, Ranjan Datta (2018a, 2018b) and Shahjahan (Shahjahan, 2005, 2011). In Indian perspective, I do review Ahmed (2014), Gerharz, et al., (2017). Couple of Indigenous authors, I must cite here for their own ontological position about their own people, Blaming Jhum, Denying Jhumia: Challenges of The Jhumia Indigenous Peoples’ Land Rights In The Chittagong Hill Tracts (CHT) of Bangladesh: A Case Study on Chakma and Tripura by Tripura, S. B. (2008), and
Practicing Peace in the Indigenous Context: A Study on Three Villages of the Chittagong Hill Tracts (CHT) in Bangladesh (Partha, 2015). We look at title of the thesis, ‘on’, the authors did not work with the people, or withing the people. Very respectfully, we may ask, are the people as like a non-living entities? Or a neutral obejct? And are these authors neutral chemist and the villagers are same neutral object? What and how are they different than the colonial ethnographers like Hutchinson (1909, 1906) or Hunter (1876) Machenzie, (1884), or with Pakistani government sponsored anthropologist Bessaignet (1958), Sopher (1964) or French legend Levi-Strauss? We know the authors are, consciously or incongruously belonging a ‘Captive mind’ (Alatas, SH, 1972) and, certainly they are trained by colonial mode education (Deloria, 2001). Taken a careful consideration on the contents, themes, commitment, citation and subject matter of these works of India and Bangladesh—these papers neither made any space for the people, nor even explored the historically exploited situation, or any commitment for giving back from the researchers’ point of view. their history or even the multi-sited relationship of in and outside of the communities. Works like Datta (2018a) included a photograph of midnight’s moon as a symbolic relation of ‘relational research’ claiming that he is a following Shawn Wilson (2008)’s relational research. In addition, a recent book Alam (2015), on Ethnicization and (Counter) Governmentality in the Chittagong Hill Tracts. In Governmentality and Counter-Hegemony in Bangladesh (pp. 127-155) not empirically evidenced, however, informative and tried to adopt Foucauldian biopower in analysing the Indigenous situation of Bangladesh. Despite that, no voice has been seen from the people, or not for the people. A midnight’s moon photograph is immured herein as decolonization, or reciprocity and these scenarios are thus provoking scholars to blame, that decolonization, or in essence, reciprocity, is a romance (Atkinson & Ryne, 2016), unsettled too (Tuck & Yang, 2012) and equivocal usage of terminologies (Tuck, McKenzie & McCoy, 2014). So as, we should unfold the context of the study, and in seeing the context, we saw the village participants in one hand, and the academic participants in the other. And the problem is raised with an official statement by the foreign minister, that reflected on the latest Act, where no recognition made, but treated all indigenous and other professional groups are same.

‘We are all colonized,’ may be a true statement but is deceptively embracive and vague, its inference: ‘None of us are settlers.’ Equivocation, or calling everything by the same name, is a move towards innocence that is especially vogue in coalition politics among people of color (Tuck et al, 2012, p.18).
3. Framing the research and settling the settler colonialism: Methodology and context

The total area of Chittagong Hill Tracts (CHT) (this name was given by the British by a law) is about ten percent of this country (Barkat, 2016). This region homes 13 communities in one raw. The British conquerors have erroneously considered the abundance of unused CHT lands, whereas only a very small portion of CHT is suitable for intensive farming (Ishaq, 1971, pp.15-27). In 1964, the Pakistani government appointed a Canadian social scientist, who reported that CHT soil can be utilized for softwood, this report heeded the government for settling settlement plans and the industries, the most devastating statecraft project -Kaptai Dap. (Table 1).
Geographically and politically, CHT is very important for Myanmar, India and Bangladesh since long (Map-1 and Table-1). What to frame as the methodology of this research. The doctoral project was more likely plant colonialism or trade colonialism that Nancy Shoemaker pointed out 12 types of colonies. However, in our fieldwork, we revealed that despite the various distinctions, in some ways, all these types are embedded with subtle differentiation but settler colonialism is neither a part of colonial studies, nor genocide or ethnicity, but is separate field that we discussed above. We draw upon insights from anti-colonial (But using post-colonialism as a construct is misleading as it really suggests colonization has somehow terminated as an actual reality [L. Smith, 2013] and does not recognize the presence of colonial affairs in recent speeches by "settler colonials" and "progresses" in northern-south ties) theories. As just a natural consequence, Edward Said says that the post is exempt from all assertions for current disruption from colonization theory to understand the construction. There are three justification of taking an Indigenous Metaphysics or Indigenous paradigm in this research. We pointed separately, however, these are interrelated this way or other.

A. Since anthropology has a legacy to colonial advocacy (see, for example Talal Asad, Eric Wolf, David Graeber, Akhil Gupta and James Ferguson), therefore, it is our moral obligation to liberalize the discipline from that legacy. We do not want to see these Indigenous people as ‘neutral object’ or we do not want to be either so. We take Indigenous research paradigm as our baseline philosophy to guide this research. We adopted Foucauldian bio-power with the historical ontology made by state since centuries towards the Rakhain and other Indigenous people of Bangladesh. Metaphysics of presence of the Rakhain Indigenous communities, we also considered with critical discourse analysis to open another arena of our findings along with our observational fieldwork. The field information and our careful readings from a critical ‘re-reading’ encouraged to see the ‘logic of elimination’ (Wolfe, 1999, 2006, 2016) of the Indigenous people with bio-power. Rowe and Tuck (2017) nicely put the concepts related to settler colonialism, supposedly enough to comprehend (though we respectfully differ that settler colonialism is not a sub type of colonialism). and thus we furthered a little more with the aim of our objectives and have an endeavor to settle the conceptual issues in settler colonialism.

B. Vine Deloria’s (2001) definition of indigenous metaphysics as an understanding of the universe, and “all its possible experiences [which] constitute a social reality, a fabric of
life in which everything has the possibility of intimate knowing relationships because, ultimately, everything is related” (p. 2) informs us that the Rakhain own epistemology and their ways of being, as Rakhain and survival too. It bears repeating that the central role of place cannot, therefore, be separated from being, as a result of the epistemo-ontological orientation of indigenous metaphysics. Indigenous ontologies are therefore direct products of the tribal spiritual experiences, indeed knowledge systems, their living and non-living things on a relational and reciprocal manner (Wilson, 2008).

C. Finally, what the goal of the research at the end is. Are we producing such a knowledge that ‘re-producing’ the western knowledge or ontology again in a cyclical processes? This very grounded question is answered by Duane Champagne, “[m]any academic disciplines generate knowledge and techniques for solving issues and problems confronted by complex, highly specialized, and compartmentalized contemporary nation-states (Champagne, 2007,p. 355). We did not want to be that. A para we take from Champagne for our own justification:

Academic disciplines collect and interpret data and generate theory with the idea of contributing to human knowledge, but knowledge is generally understood within Western world views or epistemological understandings. Universities and academic disciplines are oriented toward examining the issues, problems, and conceptualizations that confront American or Western civilization. In general, knowledge, research, and theory serve the purposes and reflect the interests of Western civilization (Champagne, 2007,p. 355).

In data analysis, we have followed interpretative, again a Foucauldian stance. First, Foucauldian interpretative analytics is a consideration.

“writing the history of present [Rakhain], and we call the method that enables [us] to do these interpretive analytics. This is to say that while the analysis of our present practices [of the Rakhain and majority Bangalee] and their historical development [of the community since 1715] is a disciplined, concrete demonstration which could serve as the basis of a research program, the diagnosis that the increasing organization of everything is the central issue of our time is not in any way empirically demonstrable, but rather emerges as an interpretation” (Dreyfus &Rabinow, 2014,p.26).................
Foucault's Interpretative analytics and George Marcus' multi-sited view take out our eye from local lands to global legislation, local Rakhain's stories conjuncts or phenomenon proceed to power, and that power is, in effect, legalized by constitutional
evidence, in many ways to "the plot, stories, allegories" (Marcus, 1995, p.109) and "in many areas of the people (Dreyfus et al., 2014, 127).

3.1 The co-researchers from the University context

Under IRP, the ethnographic findings, critical review of texts, historical evidence—all come in one nexus, and we are pointedly presenting, analyzing and discussing. The reason is that, in an Indigenous methodology, the whole research centres the land of the community, relationality is key (Wilson, 2008) and thus we involved the Rakhain people as co-researchers since the very beginning of the project. So as the ethical issue comes at the starting. Continuity of the consent is the third guidelines that Linda Smith (2013) says, it should be in the language of Indigenous people on which the study was taken, (p.119) or Kate Fingers (2005), we are following a full disclosure, and the respective full manner in the whole research—from topic selection to data collection, data analysis, data presentation—in every step, the people’s engagement and consent are ensured. So it’s our own research position. This is, therefore, a decolonizing footstep on the vast and deep colonial membrane at the academic pool where we stand at the margins of marginal Indigenous people of Bangladesh with a decolonizing approach. Apart from my participation, as a principal worker, two of my supervisors are also involved in guiding, collaborating and make me connected within the boundary of research objectives, both have an engulfing engagement in this project. Second Author Haris Abd Wahab: I am Harris, community development academician in the University of Malaya and known face in Bangladeshi academician too. I have an essence in fieldwork method, its articulation and having emancipatory insights and feelings for the Rakhain’s Indigenous Medicinal knowledge. Third Author Rashid Mohd Saad: I am Dr. Rashid Mohd Saad, a faculty of Education, having profound knowledge on philosophy, western domination on education, and the drug discovery. I am the one who inspired as a whole to look at the differences in paradigms and many times, even on weekends I met Jahid for theoretical conceptualization, how we can be more in more actively engaging manner with the people. My clear reading on phenomenology, interpretative, and Indigenous paradigm gives the theoretical footings in this project. One of the major input of mine in this project is that always I was thinking and discussing how this medicinal knowledge can be a means of benefit to the Rakhain people. In doing so, we felt that, their freedom is equally important in a settler colonized situation, as our field visit gives us another insight that the majority Banglées are dominating in this Indigenous land, this domination engraves almost every
spheres of their life, politics, religion, resource, elimination since long. In addition, the literature gives us the mindfulness that settler colonials is the very root reason. If we follow Patrick Wolfe, Foucauldian bio-power with the Long Duree approach of historiography, probably we may analyze the information easily. The logic of eliminations are subtle, deep rooted in the historical ontology of state, and western metaphysics, our ethnographic fieldwork, sharing circle, open discussion helped us in establishing Indigenous metaphysics.

4. Findings, analysis and discussion with logic of elimination

4.1 Historical ontology of Bangladeshi Indigenous people and Metaphysics of presence of nation state

Before heeding the Foucauldian historical ontology, we visit the history with a critical look in table -2. From Foucault, we see that there are three domains of genealogy are possible in his classics. Power, Truth and Ethics. First, the Rakhain and other indigenous people of CHT came under the Mughal empire in 1715 [Riaz & Rahman (Eds.), 2016; K. Chowdhury, 2008]. This is so far the political bio-power came in fore of Indigenous people and made “ourselves concerning truth through which we constitute ourselves as subjects of knowledge.” Second, historical ontology of majority Bangalee people about Indigenous community by implying a field of power through which [Bangladeshi state] constitute ourselves as subjects acting on [the people]; last, “an historical ontology” when comes to Indigenous people, the state made ‘agents’ for implementing the laws for controlling, that we observe since 7th centuries to the latest laws [Passed in 2015] made by the Bangladeshi government (Table 1). This is thus evident that, the majority people have been performing settler colonialism with power, with truth, and legislative ethics that is completely based on western metaphysics of presence that Jacques Derrida proposes to deconstruct (n this point we are pointing that metaphysics of presence, or western metaphysics was interrogated or refused by many philosophers before Derrida. For instance, John Dewey refused in 1927. Charles Sanders Peirce in 1868 talked about western metaphysics. From him, we see John Dewey [Good, 2005, and The Quest for Certainty: A Study of the Relation of Knowledge and Action]. The problem is, of John Dewey and Sanders Peirce, both have argued for reconstruction of western ontology as "Ideas are worthless except as they pass into actions which rearrange and reconstruct in some way, be it little or large, the world in which we live" [The Quest for Certainty, p.138]. However, their philosophical stand influenced Pragmatism paradigm in social sciences. Surprisingly, German philosopher Martin Heidegger also, almost in similar time of John Dewey, attacked western metaphysics [see, Wolin & Rockmore, 1992; Heidegger,
Macquarrie & Robinson, 1962]. Heidegger, yet, is the base of Interpretative school, and have an an influence in anthropology per se, Geertz, and the symbolism such Turner. Derrida, mostly seen a follower of Heidegger, however, the idea of deconstruction, as Derrida himself debt to Sanders Peirce. Such as he says, Peirce goes very far in the direction that I have called the de-construction of the transcendental signified, which, at one time or another, would place a reassuring end to the reference from sign to sign. I have identified logocentrism and the metaphysics of presence as the exigent, powerful, systematic, and irrepressible desire for a signified [Derrida, 1976, p.49]. A recent theoretical study from Bangladesh context, [Alam, 2016, pp.128-9] even says that Derrida was Influenced by Heidegger). For a better demonstration of historical ontology of majorities, we may draw a table, so that, we may grasp at glance. Table 1 demonstrates the historical ontology with western metaphysics.

Table 1: Historical ontology and Metaphysics of presence of Indigenous people in Bangladesh

<table>
<thead>
<tr>
<th>Acts and Forman (King’s order)</th>
<th>Major Acts or Occupancy for historical Ontology</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arakanese</td>
<td>Freedom of King stopped but no oppression recorded</td>
<td>6th and 7th</td>
</tr>
<tr>
<td>CHT was under King Dharmapala</td>
<td>No oppression recorded</td>
<td>In the 8th century</td>
</tr>
<tr>
<td>In 953, Arakanese King, Tsula-Taing Tsandra</td>
<td>No oppression recorded</td>
<td>In 951-957</td>
</tr>
<tr>
<td>The Tripura king brought back</td>
<td>No oppression recorded</td>
<td>1240</td>
</tr>
<tr>
<td>Sultan Fakharuddin Mubarak Shah occupied CHT</td>
<td>No oppression recorded</td>
<td>1340</td>
</tr>
<tr>
<td>The Ilyas Shahi Sultan, Rukunddin Barak Shah</td>
<td>No oppression recorded</td>
<td>1459–1474</td>
</tr>
<tr>
<td>Again, Arakanese took back CHT</td>
<td>No oppression recorded</td>
<td>1493–1519</td>
</tr>
<tr>
<td>Again Tripura King</td>
<td>No oppression recorded</td>
<td>1515 AD</td>
</tr>
<tr>
<td>Again Arakaense</td>
<td>No oppression recorded</td>
<td>1518 AD</td>
</tr>
<tr>
<td>Till that period, as documented no fixed are was given for Indigenous people, more likely the kings used give a tax</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under the Mughal</td>
<td>They Annexed with fixed boundaries and put a new name ‘Islamabad’</td>
<td>1666</td>
</tr>
<tr>
<td>First Revelation</td>
<td>The first Indigenous rebellion ever in this land</td>
<td>1700</td>
</tr>
<tr>
<td>Adopting Islamic family titles</td>
<td>Since 1670s to 1760s Chakma king took, officially, in corresponding the “Khan” title. Not text confirmed that it was an imposition process or</td>
<td>1673-1758</td>
</tr>
</tbody>
</table>
Settler Colonialism, Foucauldian Biopolitics and Indigenous Identity: An Experience From Rakhain Community of Bangladesh

**Karpas Mahal**
The Chakma Raja tribute Karpas as a Tribute to Muhgal King

**Till 1760 the people has very limited space of interaction with Bangale people**

<table>
<thead>
<tr>
<th>The British</th>
<th>Revenue has been collected on a yearly basis</th>
<th>1760</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most Indigenous Chief welcomed the British</td>
<td>Tribal and non-Tribal, hill and plain dichotomy emerged in that time</td>
<td>1860</td>
</tr>
</tbody>
</table>

**Major Ethnographic works conducted**
Two major development happened for historical ontology per se, **Scientific construction** of tribal and with **primitive culture** implementation of legislation and development programs
Lewin, (1986)
Hutchinson(1906, 1909), Hunter (1876), Machenzie (1884)

**The British**
Conducted Censuses of 1900, ethnography, and Gazetteers, only aiming to make classifications of obeyed and resistant

**Forest Act 1865**
All inhabitant land was classified for modern Plantation, that took 26% of total CHT

**Chittagong Hill Tracts Regulation***
prohibited the “in-migration” of the Bengalis

**In terms of Name change, land occupancy, Revenue, the whole British regime kept a significant inheritance for Pakistan, and later Bangladesh.**

| Pakistan period | Under the central government not the East Bengla Province | 1947 |
| A Shift | | |
| Paper Mill | Softwood Plantation provides raw materials Only 15-16 People get the job of 10000 | 1953 |
| Military janta Ayub Khan | Propounded the special excluded and status of CHT | 1964 |
| EPFIDC** | development policy mostly exploited the natural resources, per se, Plyboard mills, the Lighter industry, and clothing knitting factories. | 1953-1960 |
| Kaptai Hydralic Project | It comes many things, displacing 1 m people, 1 one-quarter of the total population, more than 50 thousand acres of cultivated area went to the dam, over a million people migrated to India. It is a probably best termed as subaltern genocide, worldwide example taken by Drik Mosses. | 1963 |
| EPFIDC | Mechanical logging project were supposed to supply raw materials for the industries | Soft wood supply |
| Protected Forests Ordinance | Jhum cultivation protected in protected forest Some Muslim displaced families were given the chance | 1967 |

Till that time major intention was for natural resources and raw materials for industries. They
did with power and law, and inevitably with ‘ethics.’ But the Pakistani government started the very awful migration project in the protected land

<table>
<thead>
<tr>
<th>In Bangladesh 1971-1972</th>
<th>Indigenous Leaders Met the President for inclusion them a a nation but he rejected and called to be Bangalee (Text Box-1)</th>
<th>1972</th>
</tr>
</thead>
<tbody>
<tr>
<td>A collective Collision emerged</td>
<td>Father of Nation rejected with a strong voice, and demanded the Indigenous people to be Bangalee.</td>
<td></td>
</tr>
<tr>
<td>1972</td>
<td>Article 28 says, “[t]he people of Bangladesh shall be known as Bengalis as a nation and the citizens of Bangladesh shall be known as Bangladeshis” Article 23A says, “[t]he state shall take steps to protect and develop the unique local culture and tradition of the tribes [upajati], minor races [khudro jatshaotta], ethnic sects and communities [nrigoshthi o shomprodai]”</td>
<td>Formation of National Constitution 1972</td>
</tr>
<tr>
<td>Counter Hegemonic Activities</td>
<td>Bangali Nationality VS Jhuma Nationality All 13 Indigenous people of CHT united under a counter hegemonic nationalist ideology, bear and born from the land, Jono Songhoty for Jhuma nationality, that is a counter-hegemonic action against the national military hegemony. This forum was armed and called ‘Peace Brigade’</td>
<td>March 1972 January 1973</td>
</tr>
<tr>
<td>Forest ordinance</td>
<td>By the name of forest conservation, the government acquired about 30% of total land of CHT</td>
<td>1976</td>
</tr>
<tr>
<td>Settlement Plans</td>
<td>24% “Reserved Forest has mainy used or given to landless plain land Bangale people”</td>
<td></td>
</tr>
<tr>
<td>Power and Militarization</td>
<td>About 3 hundred Military quarters, above 2 hundred para-militia set-ups are for ensuring peace as of 1997 156,552 acres of land occupied by military under development project</td>
<td>1997</td>
</tr>
<tr>
<td>Ethnicization</td>
<td>The government facilitated the resettlement of over 4 million settlers during 1980s by counter-hegemonic activities</td>
<td></td>
</tr>
<tr>
<td>The numbers</td>
<td>Consequently, the Bengali population in the CHT increased sharply (Table 3) about 50-50 ratio.</td>
<td>1991</td>
</tr>
</tbody>
</table>

**Sources: Authors’ compilation**

*The Act 1900 is a clear implementation of Royal Proclamation of 1763 (Canada), Maori Treaty of Pacific in 1840. ** East Pakistan Forest Industries Development Corporation.

In a sense, table 1 is history, in scholarship, it is historical logical formation, the logic of eliminating Indigenous people of Bangladesh by the state policies. Drik Moses, leading figure in genocide issues, if we take some his ideas, that security anxieties led to military
aggression genocidal initiatives, is another political choice was to colonize one's own borders. In Polish boarder German did. Lankan did with rural Tamil uprooting and Bangladesh have been doing with IP as it surrounded with India and Myanmar (Map-1). We recall the parliamentary debate before closing this section,

[O]ur (Majority Bangalees) ideology is clear. This ideology has inspired us to attain independence, and this ideology shall constitute the basis of this state. Nationalism—Bengali nationalism—shall be the main pillar of this state. Bengali nationalism encompasses Bengal’s culture, Bengal's heritage, its land and above all the sacrifices made by the Bengalis. (Parliamentary debates as quoted by Mohsin, 1997, p. 59).

If we put the timeline, actions by the states (Mughal, British, Pakistan and independent Bangladesh), creation of human state activities, subjugation, we simply say that “intimate relationalities in western/settler law (Morgensen, 2013, p.59)”. The state, at least from 1900, becomes the homo sacar, ‘Homo Sacer’ is the ‘sacred man’, a symbol of state, “is the one whom the people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned for homicide; in the first tribunitian law, in fact, it is noted that” "if someone kills the one who is sacred according to the plebiscite, it will not be considered homicide." This is why it is customary for a bad or impure man to be called sacred (Agamben, 1998, p. 71, for details , see, Homo Sacer, and the State of Exception). When we talked to the Indigenous people, they put the most neglected world for the military of Bangladesh and the settlers.

4.2 Inherited metaphysics as a logic to eliminate
What Captain Lewin did is 1906, Bangalee administrator anthropologist (Sattar, 1983; see Ibrahim VS Raja Debashish Roy, 2011, Ibrahim VS Sonjib Drong, 2012), Army General Ibrahim are doing today, are simply a reflection of the table 1, categorized Primitive, delirious. It is, scholars say ‘scientific construct of Indigenous people (Smith, L. 2013, Wolfe, 1999) by western metaphysics (Derrida, 1976).
In this point, we should clarify the issue of worldview. Despite a philosophical differentiation between, worldview (Made by anthropological to describe tribal peoples common view of the universe) and metaphysics, yet, originated from Greek and Christianity [Derrida, 1976]. Again, metaphysics is the “first set of principles we must possess in order to make sense of the world in which we live” (Deloria, 2001, p. 2), we thus go for metaphysics (Smith, L. 2013). That is clear opposition of platonic or Aristotelian construct, reasoning about the cosmos (see, Aristotle, 1966, Plato, 1992).

First counter hegemonic action from Settler colonized

A boat was passing by the river with bridal passenger in Kornofuli river, a sudden massive attack killed 25 people has settled down the river, and the boat too. It was an armed reaction, when months before the Father of nation called all the Indigenous people of the Hill Tracts to be Bengali.

Why is that brutal incident? How is it originated in Indigenous people's mind? The answer we see in the logic of settler colonialism that Patrick Wolfe, says as the genealogy of western metaphysics, or inherited metaphysics. These small community has interacted with, been shaped by, and in turn transformed, therefore they stood up against the state, against the ‘Homo Sacer.’ A counter hegemony by the Indigenous people, a collective movement to the
political scientists (Mohshin, 1997), in contrast, to us, a stand of Indigenous people by the Indigenous metaphysics. A reflection of their ways of knowing, being and acting (Martin et al, 2003). Without a doubt, strategy is central in these relationships, and I therefore choose to strategically propose concepts that facilitate identifying the genealogy of western metaphysics (Derrida, 1976, 2007). an inherited metaphysics, that metaphysics put the law of as shwoing bio-power, logic of elimination to the indigenous people as if these li[ves] that do not deserve to live (Agamben, 1998, p. 136), which is structured by legislative provision, not a scattered event, but process (Barker, 2015a). That resulted a with an estimation of 7,00,000 Indigenous people eliminated in this region (Bloxham & Moses, eds. (2010, p. 649).

4.3 Settler colonialism is inherently an eliminator

“What next, a policy? For whom and by whom? for the establishment of democratic systems (Patzer & Wilkinson, 2007,p.1).” where Indigenous people is assimilated to be eliminated. Let me take some verbatim from the field,

Lalita says,

I lost my family members. 4 of my children was fired in one day in the winter of 2004 by the military. Now they are making law (Indicating the Act 2015) to give us rights and our land back. Does it not legalize the murder of my children?

Kolpona says,

Military people or Bangalee, I do not know, kidnapped my sister, I went to put a case with even anonymous kidnapper, thet local police station even did not take my case. I listed they were wishperring that our traditional cloths is very vulgar to stimulate boys. Are they dog? Seeing a piece of meat? Or we are not human?

Another elder lady says,

During the military rules (till 1990) we were scared of army people. At daytime we used to hide in the jungle that our mothers taught us during the Pakistani period. After the Treaty of 1997, we are still scarred to army.

(In the group discussion) the ladies were pointing that nowadays the boys from the student wing of ruling party always teasing our grils in the street.
Not only the state, if we critically look the early ethnography, and recent ethnographic works, not a surprise, but shockingly we see scholars are around, following the academic ancestors in making, constructing the neo-liberal state policy.

**Table 2: Scientific construction of Indigenous people and role of Intellects**

<table>
<thead>
<tr>
<th>Then</th>
<th>Now</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supporting the British ruling by making Tribalism</td>
<td>Accelerating the Settler colonialism by ethnicitizing</td>
</tr>
</tbody>
</table>

**Source: Authors’ Compilation**

**4.4 Liquidation of Indigenous people**

The village we are in engagement, in the sharing circle, people says that every year people are fleeing to India or Myanmar. Sometimes they are forced to sell the their land, some times, government is occupying under the ‘reserve forest scheme’ sometimes, simply the Bangalee people are uprooting from their homes. The village, before 1975, was a home of 1200 Rakhain where as now only 300 people are living with 70 families, rest (700) are Bangalee. It is may be not the full, if we take even the official statistics in hand, the scenario is devastating.

**Table 3: Elimination of natives in CHT since 1862**

<table>
<thead>
<tr>
<th>Census time</th>
<th>Natives</th>
<th>Settlers</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1872</td>
<td>61,957 (98.27%)</td>
<td>1,097 (1.73%)</td>
<td>63,054</td>
</tr>
<tr>
<td>1901</td>
<td>1,13,074 (92.81%)</td>
<td>8,762 (7.19%)</td>
<td>1,21,836</td>
</tr>
</tbody>
</table>
4.5 Renaming as making new native is central to Settler colonialism

Very pointedly we observe that, the name of the villages, small bazaars, roads are re-named. This is not only our findings, one of our colleagues Dr. Zobaida Nasreen and my teacher Professor Khairul Chowdhury (Chowdhury, K 2008) found too, unfortunately, both failed to theorize these incidents. Patrick Wolfe, Adam Barker argues that usually colonial or migrant people do not change the names, rather the colonials focuses on resources, in contrast, settlers change the names for establishing themselves as new native in the land or region. For instances, the Muslim para is the new name, previously known as ‘Pru Tilla’. A road was named too after Islamic legacy, Masjeed Road (mosque road). Veracini (2010) therefore says that “two cannot be three.” The local people strongly argue for their land back, rights back. In the field, when we talked to the settlers they, this or that way, address the local Rakhain as upo-jati (sub-nation, commonly a slang, distressing term). We are encouraging the youngsters to stand against of these disrespect, exploitation and the historic humiliation. If we see the table, this trend is, again, inherently came to the nation-state. During the Mughal period, the Chakma Rajas put Islamic surnames as ‘Khan’, understandably a forceful imposition to make them Islamaized. Documented, the CHT and Chittagong was named for a while ‘Islamabad’ (Ishaq, 1971). Therefore, interpretative analytics gives us that insight to go back the history of presence, and deconstruct the metaphysics. Our random tour in the whole CHT shows another feature, that hips of Islamic religious institutions are visible. In almost every village has one mosque, or Madrasah (Islamic school). We see that statistics, as the
people are, by faith, Buddha, however, the ratio of other religious institutes clearly indicates their demography, and demodulation.

Table 4: Pattern of Islamization/making new native in CHT

<table>
<thead>
<tr>
<th>Mosque (Muslim)</th>
<th>Pagoda (Buddha)</th>
<th>Temple (Hindu)</th>
</tr>
</thead>
<tbody>
<tr>
<td>405</td>
<td>347</td>
<td>177</td>
</tr>
<tr>
<td>4.5</td>
<td>3.4</td>
<td>1.7</td>
</tr>
</tbody>
</table>

Source: Ministry of Information, Bangladesh

One of the respondent says that,

While Begum Para was previously referred to as Khas (unused land to the government, but it was used for us, our own cultivation). the military camp ordered for making ‘noya bosti’ fresh settlement/housing. The ‘Muslim’ new comers put name according to their religious faith settlers in Bengali introduced a new name so that they claimed quite easily this area. Muslims dismissed our life and our religions by creating an Islamic name 'Begum Para.' This is an active Bengali quest to eradicate the region's Jhumma community. Such practices have undermined not only our society but also weakened our religious convictions.

This is the most common scenario in the world, that Drik Moses (Eds, 2008), sketches from all over the world, though, Moses, somehow, assimilated genocide with settler colonialism. Introducing a new name to making the new native is firmly separated than colonial conundrum and/or migrant people. It is unique logic of elimination.

4.6 Settlers are foundational to modernity

In the CHT, any visitor will notice that there are a heeding ‘development activities, such are road construction, schools setting, shopping markets, tourist spots, per se, infrastructural ‘development.’ In addition, in reserve forest area are planted rubber and tea. These development projects, we found mainly funded by the government, non-governmental organizations and some are by world banks and International Monitory Funds. Once, we recall Foucault, a clear state racism. How a human body is becoming a part of state’s subject, by governmentality and by bio-power (see, the History of Sexuality). In this point (in
effect all), we have not any good reason that why Professor Tuck (Rowe & Tuck, 2017, p.3) rejects the idea of Settler colonialism as a separate field than colonialism, and differ with Lorenzo Veracini (2010) and with all the central theme of the Settler Colonials Studies Journal group. In the journey of development, since the British, we see that slash and burn (Jhum) cultivation was replaced, and that went through till now. Record shows that only the government, world bank is shaping the road of Indigenous people, United nations and other inter governmental organizations are here to shape the future of ‘Small ethnic groups’ (www.unicef.org/bangladesh/en/shaping-future-cht). The development activities ultimately resulted with devastating damage of Indigenous people and politics. Such as, the Kaptai lake, paper mills, amusement parks, settlement plans, all are aiming as ‘statecraft as soulcraft.’ The state is doing whatever it wants for the elimination of the people under the name of development that Foucault says in his bio-power, is in one hand, controls the people, is the other, by legal provision as we read the functionality of The Twelve Tables of ancient Rome. (Table 1. Procedure: in courts and cases, Table 2. Continuation of prosecutions and fraud, Table 3. Theft, Table 4. Personal rights, Table 5. Guards and property, Table 7. Land rights & crimes Table, 8. Injuries, Table 9. Public law, Table 10. Sacred law, Table 11. Supplement I, Table 12. Supplement II, for details see, Mellor, R. (2012). The historians of ancient Rome. Routledge; MacCormack, G. (1973).)

A structured system by the state, for the state, for “territorial acquisition (Wolfe, 2006, p.392). Fo#er & Wong (2018), in a sophisticated paper, pointed that social workers are working in Canada as agent of state’s agenda, what in Bangladeshi scientists do, what the creed of research to these scholars is. Is there any scope that ‘we’ the researcher can do, or should do? (except the policy recommendation, and our own material benefit or gaining an award?

**Conclusion: the creed of research**

To conclude this article, we have had a long break, for a reflexives, we talked to the people to whom we are here as researcher. Just we summed in an abstract form that, the height of our research is not higher than the concept of our philosophy. Surfed many of texts, particularly the two fathers, Bronislow Malinowski, father of British anthropology, who deliberately talked about the role of anthropology is to mediate the ‘primitive’ people to modernity, that is, his stand for reciprocity in kind towards the people. Franz Boas, father of American anthropology, little liberal, in 1932 says, [b]y a study of the universality and variety of cultures anthropol-ogy may help us to shape the future course of mankind (Boas, 1932, p.613). As we discussed earlier that, this paper is a clear stand against the western ontology (Foucault) or
metaphysics (Derrida), it is thus excoriating that construction to deconstruct the Indigenous metaphysics, not the worldview from Bangladesh perspective. We knew, by now, that many authors even used decolonize, indeed, they equicolazed the term, practically and conceptually. Even, Boas or Malinowski, or Geertz, since all have been driven their own philosophy, so their research is nothing but a reflection (for example, Geertz says, “which we need now to reconstruct” (1988,p.39). Since we, in the discussion, have tried to *indigenizing* the people’s standpoint, *intervening* the state policies, and their opinions, reading and re-reading the historical text, that caused them in a traumatic world of fear, therefore, we are proposing the re-framing the policies, and their activities too. We consolidating their trauma, encouraging them to stand, as much as in all possible ways, abiding the current state policies. However, a faith, it is not good enough for the people’s lives and land. However, we took steps towards the community people, we are not justifying that their brutal activities is quite acceptable, neither the state’s policies too. What then can be a common ground?

In a very grounded level, we (other researchers too, such, Chowdhury, K., 2008, says that ‘lack of good intention of the government for Bangladeshi Indigenous people,’ he did not not do any materialistic actions though’ or he could not as his philosophy was post-modernist, and saw Foucauldian power relation) feel that, a follower of Indigenous paradigm, we need a common platform for both the policy planners and the people, where, both can be in one nexus. We propose the researcher will be engulfing as an activists within the people, though, not very genial to the established notion of ‘objective’ research, however, it is the creed of research. Tell us, when you see an 18 years Indigenous girl was raped, then, thrown away in pieces by the settler or a military person, then, what is the worth to interview of her mother, and a policy recommendation? Does it make any sense to this victim or the family, except your publication or an award? We discussed, there are logic to eliminate the Indigenous people, certainly, legalized with state law, and by implementing agencies. Research is, thus, must be, at least for us, means to welfare, betterment of the people. So, in a small case, research, and the policies of the state, broadly, can be based on ‘Ihsan (We propose ‘Ihsan’, Ihsanic notion derives from Ihasn, an Arabic or specifically Quranic term. In English, it means sincere, perfection, good deeds and actions. The Quran says, what can be the reward of good deeds and action except the good deed? [Irving 1985, Surah 56, Verse 60]. Simply, literal meaning of the verse is, *Is there any Reward for Good, other than Good?*’ Ihsanic notion of acts, deeds, and all humanly activities can engulf the people and the policy in one knot, minimize the tensions made by the historic course of time. So, the Ihsanic notion leads us to be reciprocal in all means, with the history, present and future. We castigate colonial
metaphysics and its practical steps by the government "on" the native people on the ground, is a message from our philosophy And this is our position. It gives out the impression that an indigenous paradigm is very distinct from critical school and romanticised "decolonization," and that all of the works on indigenous peoples have been done so far, including by my (first author) teachers (Chowdhury, K, 2008, Shafie and Mahmood, 2003) (apart from (Prashata Tripura, 1992,2000), whose ontology is deeply entrenched in the western idea of "reason" since Locke, Mill, and Hobbes gave this "reasoning." Ihsan is just, "do good (Chittick 2007: 5- 25, 30, 69). The Ihsan is not based on capitalism, expansionism or totalitarian principles, but rather on the universal bondage of living and non-living creatures. Summarizing, the research we conduct is with and within the Rakhain and all these indigenous people are more than one's intention to believe that it can improve, linked to questioning and dismantling power structures, well encouraged or endorsed by that Ihsanic reciprocal philosophical effort. Ihsan connects the society, the recipient and the receiver, scientist and policy maker together. Ihsan is not a romantic, metaphorical, recreational or mirror image practice of academics, but an engulfing engagement of either. Ihsan is seeking "good deeds and activities, parental kindness, speech, unchildishness, neighbors, needy" (Kadhim et al. 2017:106-7). And it is therefore reciprocal. However, our salvation, Ihsanic activities could be worth considering, because all the plots are linked to glocal multiple locations. This concept leads us to be a future collaborator to make a significant transformation. Reciprocity keeps the past-present-future of disclosure-reporting-reflecting in relation-contribution-cooperation. Talking directly quickly, Ihsanic reciprocity is the cornerstone of Indigenous research, we summarize as in figure 2. Ihsan minimize the tension.

Figure 2: Ihsan, Indigenous people and Settlers

A common attribute of reciprocity would help us for better grasping the argument made. It is,
Reciprocity is all-encompassing. It has three angles, one, demands ‘connectivity’ with revealing that past i.e. with Indigenous history, oppression, it rewrites the history for rerighting the land, language. It asserts the ‘contributing’ as reporting with and within the of the people’s physical, social, psychological, spiritual healing-- individual and collective, and finally, it is ‘collaborating’ with a reflection of past, and present for decolonizing political, social, academic (knowledge democracy) and psychological fabrication in order for ensuring social justice. Reciprocity is all about transformation in terms of social, political, economic and spiritual.

And finally, we finish with Vine Deloria (2001), therefore [Indigenous] students, as they study science and engineering, should take time and male effort to regain a form knowledge of traditional tribal lore (Deloria, 2001a, p.3). So, friends! time to wake up, and walk in hand, we are with you.
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Ibrahim VS SonjibDrong, (2012). youtube.com/watch?v=DHv_S-c8iz4


BUREAUCRACY AND PAKISTANI MALE MIGRANT WORKERS’ RECONCILING SOCIAL PRACTICES IN MALAYSIA

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Abstract

Based on ethnographic research, this paper examines the social practices of Pakistani male migrant workers that emanate from their interplay with the only bureaucratic home institution (the high commission of Pakistan in Kuala Lumpur, Malaysia) for seeking services - the public good. The services are primarily related to the renewal of passports, emergency passports for exit from Malaysia, identity cards, marriage certificates, counsellor access to detainees, documents for the renewal of work permits and others. In an ideal case, among the workers, the High Commission is the only trusted home institution in the destination for sanctuary, protection and facilitation in all circumstances. It has the public good ‘for the people it represents’ (Roy, 2001: 36). However, the workers’ social practices reveal that they encountered bureaucratic indifferent and antipathetic responses from the home institution. Thus, many constructed an undesirable image of the only place that represented them. This article argues that the lack of the public good leads to precarious social practices that originate from the informal networks in the migrant workers’ market, where they are often disenfranchised. Their marginal status enables them to reconcile their insecure positions through informal precarious means. Many migrant workers’ narratives about the bureaucracy in the high commission reveal many ways in which the state apparatus produce insecurities and vulnerabilities for disenfranchised migrant workers whose interests are not served.

Keywords: Bureaucracy, Malaysia, Migrant workers, Pakistan, Public goods, Social practices

Introduction

The growing literature from political scientists, economists and social researchers have long depended on the organization and public administration theories to understand bureaucracy or institutions, which have resulted in many fruitful debates but limited in various ways (Moe, 1995; Bear and Mathur, 2015). Theories have stressed on reaching ‘utopian goals’ through involving institutions by ensuring the conduct of ethical life or bringing or order in social life (Gay, 2008). More importantly, the economic theories related to governance and technical inspection instruments, hide the realities originate from the interplay between bureaucrats and citizens (the migrant workers) following their agendas as part of the wider social structure (see du Gay, 2008; Appadurai, 2011). The utopian goals are ‘the public good’, and in the anthropology of bureaucracy, these public goods are served through a social contract between officials and citizens, which could lead to a utopian world. Though the social contract between the two is fertile but rarely examined field in anthropology (Bear and Mathur, 2015; Ferguson, 2013). It is primarily because, for a long time, anthropologists have distanced themselves from Weberian modern iron cages of bureaucratic institutions (Mathur, 2017) in search of cultures (Leacock, 1998) but also worked as spy for the bureaucratic institutions (Price, 2000). However, the recent
work (Gupta, 1995; Mathur 2016) shows growing interests of anthropologists in social and cultural practices that emanate from the modern bureaucratic institutions in relations to the public good practices.

In the anthropology of bureaucracy, two different approaches have been applied. One approach describes the functions of different types of bureaucracies. It looks at the internal constitutions of the institutions, and the consequent results. The other approach examines bureaucracies’ monitoring, auditing and self-reformative practices (Mathur, 2017). Among them, some anthropologists have founded their work into the moral or normative critique, which dismisses the legitimacy of bureaucracy, and found these institutions as ‘disenchanted iron cages of modernity’ (as Bear and Mathur, 2015 claimed) and their formations are considered as greatly harmful and violent to citizens (Gupta, 2012), which served the interests of market (Graeber, 2012) and considered spaces for ‘violent simplifications’ (Harvey, 2005). This article follows conceptualizations of the public good as an important source of ‘negotiations of power between citizens and officials’ (Bear and Mathur, 2015; Navaro-Yashin, 2012), and to some extent sees the reflections of Graeber (2012), Gupta (2012) and Harvey’s (2005) in institutional practices through the lenses of the migrant workers’ social practices.

Bureaucracy is constituted for the public good, which include infrastructures, technocratic procedures, offices and documents. It has the public good ‘for the people it represents’ (Roy, 2001: 36). Through these public goods, bureaucratic institutions provide a basis for social contract of citizens with the state (Chalfin, 2014) and legitimise their presence (Bear and Mathur, 2015). Bureaucratic institutions’ public goods are assessed in the context of principles like marketisation, fiscal austerity, consensus, transparency, and decentralisation (Bear and Mathur, 2015). These principles have become part of the social life of bureaucratic institutions and generated debate among the officials and also between citizens and officials about ‘the legitimacy of the state’. In following Bear and Mathur (2015), this paper investigates the public good in relations to transnational bureaucracy and the migrant workers in the destination country. The encounters between the transnational bureaucracy in the form of the colonial high commission and the migrant workers offer insight of unsettled “tension between desires for the collective good and the reality of inequality” (Bear and Mathur, 2015, p. 20). In doing so, this paper goes beyond the concerns related to bureaucracies’ self-designing and technocratic measures and practices but focuses on the public good offered to the migrant workers. This research also discloses the complexities of the interplays between bureaucrats and the migrant workers in the transnational migrant context, in which the two sides follow their goals. These could be utopian goals (Robbins, 2013) for the collective improvement of everyone (Elyachar, 2012). Like Bear and Mathur, this article does not adhere to the conventional definition of the public good, which is limited to only provision of infrastructures, clean air, and roads but conceptualises the public good benefits to all, which serve for radical reforms in bureaucratic institutions. In very specific context, as anthropologist, the researcher has spent a long time with the migrant workers on the ground and has built the analysis from their perspective. The researcher has talked to them and understood their precarious life in an informal structure constructed to benefit the larger or local developmental agendas.

The high commission of Pakistan in Malaysia

Malaysia and Pakistan established diplomatic ties right after Malaysia’s independence in 1957. However, the history of the two countries’ relations has not been smooth all times (Balakrishnan, 2010).
Methodology and the site

This paper is based on data from 35 in-depth informal interviews conducted (during a 21 months-long ethnographic inquiry from September 2016 to June 2018) for a doctoral research with Pakistani male migrant workers in Kuala Lumpur, Malaysia and focused on their social practices in result of interplay with the social structures at micro, meso and macro levels. This research was not planned specifically to analyse social practices of the migrant workers only in relations to their home country’s transnational bureaucratic institution. However, it produced data that lends itself to an examination and auditing to the social contract in the transnational migration field.

On the request of the researcher, the Pakistani High Commission in Kuala Lumpur shared data on a total of 71,686 Pakistani migrant workers in different sectors of the economy in Malaysia in November 2015. However, there are no figures about the number of Pakistani migrant workers in the Kuala Lumpur city, where this research was conducted. This research entirely depended on the convenient and snowball approaches. The researcher met hundreds of Pakistani migrant workers in construction sites, retail shops, residential areas (their living places), security check posts buses, and trains and, however, could interview only 35 who showed their will to take part in the research. There are no specific areas where Pakistani migrant workers lived together as a community. They could be found working in certain areas such as Masjid Jamek and Chow Kit. The migrant workers often lived in poor localities.

In some cases, one or more Pakistanis lived together with Bangladeshi, Indian, and Indonesian migrant workers but it is rare and unwanted. Some of them lived at the construction sites in wooden cabins provided by the employers. In addition to 35 in-depth informal interviews, the participants’ observation of the migrant workers’ markets (MWM) was an extremely important tool to understand and link phenomenological social practices with wider hermeneutic and unseen (unnoticed by the migrant workers) social structures. The researcher regularly observed a variety of routine social practices of Pakistani migrant workers inside their houses, on the streets, and at the workplaces, and associated these with the more proximate structural layers at the state and community levels.

As part of the research, the researcher had developed an interview guide that included some questions related to the high commission of Pakistan especially about seeking passport renewal services. However, with the growth and unfolding narratives of the migrant workers have opened and revealed various unearth bureaucratic practices, which let the workers stay in the liminal and precarious states. How it happened to the migrant workers, this research explores through their narratives and lenses.

Findings

The findings of the research are primarily grouped under theme-based headings.

The research finds the migrant workers relationship with the bureaucracy from the two context. The first context is the migrant workers’ issues and problems within their Pakistani community and with other communities of practices (i.e. the employers, agents, and the Malaysian government officials). In this context, the article examines whether the migrant workers have any redressal mechanism to get their issues resolved and if they seek the help from commission. The second angle is the migrant workers’ direct interaction with the bureaucrats in the commission to provide services related to the renewal of the passport, emergency passports, letter to confirm the citizenship, and others.
The first context: Interaction as of injustice by the communities of practices

“No one cares about us.”

On 14th June 2015, from Gujrat district, Nasir Farooq, 35, came to Malaysia on the construction calling; his work permit expired in June 2016. He had received the work permit through an agent cum business person in Malaysia from Gemilang Land Development SDN BHD in Petaling Jaya, KL. The agent left Malaysia after six months of Nasir’s arrival. Nasir received the relevant documents for the renewal of work permit from Gemilang, and then along with the Singh family (where he was working on their house project) went to the Immigration and applied for the work permit renewal. For him, the current employer (the Singh family) had paid around RM2000 levy fees. After a couple of weeks, Nasir checked online that his work permit was renewed and then he went to the immigration to collect his work permit sticker. But he was refused. According to Nasir, the immigration authorities had blocked his sticker unless received by the employer or authorised by the employer to anyone. Before meeting with the researcher, Nasir had been to Gemilang many times and also the immigration. Gemilang asked him to pay RM3200 for the sticker. Nasir kept insisting that he had paid everything to the immigration. However, agreed to pay RM1000 because he could not afford RM3200 due to his casual nature of work. After four month’s failed struggle, Nasir came to the High Commission of Pakistan in KL, where (on November 2, 2016) the researcher met him the first time. He met with the Community Welfare Attaché and told him that his work permit was renewed, but Gemilang was not allowing the immigration to provide the sticker to him. Nasir had the receipt of submission the application for the renewal, which he kept along with him and showed to the police wherever he was stopped. Nasir informed, I had heard about the commission from a Malaysian, who suggested me to visit it. I also think that we Pakistanis keep thinking of getting help in our matters. The commission is our country.

The Community Welfare Attaché heard Nasir’s complaint and asked him back his home, and the commission would communicate with the person (Ms Linda, the Manager), whose mobile Nasir had shared with the commission. After waiting for a week, Nasir called the commission to get the updates on his complaint, and he was asked to visit the Gemilang. He visited the company and waited for one whole day from morning to evening, but no one met him. He was asked to visit the next day. Nasir said that during his second time visit, the Community Welfare Attaché had talked to Ms Linda on the phone and had also written a letter, which had annoyed the company owner, who had shouted on Nasir and asked him to leave the office.

Nasir shared that after a couple of times of visits, Ms Linda asked him to withdraw from the application he had submitted to the commission. Nasir informed, perhaps, now the lady has taken the case very personally, and against her ego, therefore, she will not provide me with the sticker unless I pay her RM3200. He added that he did not remember how many times he had visited Gemilang and wasted his days of work, and also had spent money on travelling. Ms Linda had given him a written application and asked him to get it signed from the High Commission.

Nasir again visited the commission and asked the community welfare Attaché for sending a person along with him so that the official could talk with Ms Linda. Nasir could not do anything but got the letter signed by the commission1. The letter read as following: Re:

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1 Ref: Farooq Nasir/01/16, dated: 28th November 2016
Cancelation of report and complaint to Gemilang Land Development SDN BHD by Farooq Nasir (PP No: C4916480).[.] With reference to the above, this is to confirm that this is my mistake to renew my permit through agent who caused me problem in getting in renewal permit. This is totally NOT RELEVANT to Gemilang Land Development Sdn Bhd. I, hereby wish to apologize to Gemilang Land Development Sdn Bhd and cancel whatever report and complain made towards Gemilang Land Development Sdn Bhd.

Nasir submitted the withdrawal letter with Gemilang. Nasir had surrendered to the company. Ms Linda took Nasir’s passport but after a few days returned it to him because Nasir refused to pay RM3200. Nasir was tired of running after the company and visiting the commission. However, in July 2017, he received the special pass and paid RM400 for it, RM600 for the air ticket and flew back to Pakistan. Before leaving Malaysia for Pakistan on 27th July 2017, Nasir informed to the researcher that “if our commission could not help to get me my genuine work permit, what else it could do in a country where no one cares about us”. Nasir’s story shows many structural issues but more specifically bureaucracy’s inability to help the person it represented for which it was legitimising its presence and image in ‘the other country’. Nasir’s was the only known attempt to challenge a local company in the local structure. The Commission (more proximate structural layers) had failed.

Deprived of wages

Only Barkat, Muzafar, Shaikh, Abdul Ghafoor and Bahadur (14 per cent of the total informants) were not deprived of their wages. However, they had met with many workers who did not receive their wages. Haroon said, Finding work is not difficult, but finding work in which wages are given, and then wages are given on time is difficult. Haroon added, A well-paid work in Malaysia is not the highest wage but work with a guaranteed wage, and it is given at the end of the week or month. Haroon said we [workers] are treated as third category humans here.

He indicated at the two points related to the community of employers (including suppliers and contractors); the provision of wages, and provision of wages on time. He also informed everyone in Malaysia knew that the bosses often deprive the migrant workers of their wages. The majority of informants claimed that in the worst case, bosses did not give a single penny to their workers.

Karim Bux, Azam, Usman, Altaf and Haroon (and Haroon’s co-workers) did not receive wages for many months, but they kept working for the same bosses with hope, but their hopes never turned into reality. They had to leave their work finally. Usman said I had not received six months’ salary from two bosses at two different locations. The first time, my boss did not give me three month’s salary in the LRT project; I worked on the train tracks. In three months, the boss just gave me RM900 only for food expenses. After that, Usman joined a construction project at the local university. He said, here again, I was not given three months’ wages. I received a few hundred ringgits from the boss. Usman claimed that in total, he was deprived of RM12000 in six months. At both sites, he worked around 10 to 12 hours including on weekdays. There were also many other workers, including Haroon who did not receive three months’ wages at the local university. The only verbal practice all the workers have they just requested and pursued the boss for their wages; hardly anyone dared to speak harshly.

Omar also claimed that a Pakistani boss deprived him of 27 days’ wages. It was his first month in Malaysia. He worked in double shifts- day and night- with two different bosses. The
Pakistani boss, for whom he worked in the daytime, did not give him wages and like Usman, Haroon, Karim Bux and Azam, Omar could not do anything to the boss.

Rehmat shared that **those employers did not give wages to workers, and they intentionally hire workers who have visa problems.** Rehmat referred to perceptions (CSISs) of employers’ community of practices, which were commonly known among the migrant communities of practices (CSESs). He informed, **even some workers have a proper visa, but they cannot do anything to their bosses when they are not given wages.** Rehmat said, for workers, it is impossible to get wages from their bosses if bosses have no intentions to give wages to the workers. In such a case, the workers avoid having any issue with bosses because they fear the consequences. The migrant workers’ community of practices knew the consequences of creating an issue with the bosses; such consequences are common in the CSES and understood very well based on their social and civil statuses. Rehmat added, **workers knew that this country and society [macro and microstructures] do not belong to them and the government [more proximate structural layers] will not listen to them even they are innocent.** These were the perceived barriers to their rights. He said that **they took away workers’ wages, and no one dares to do anything to them.** It shows that workers’ agency was helpless in front of the structures and the agency (power and status) of the local employers.

Nasir was deprived of RM1500 at an auto workshop in Bandar Baru Bangi, and the other Pakistani boss (Nadeem) did not give him RM600 in Kuala Lumpur area. Nasir shared that **getting wages on time is extremely difficult because bosses (communities of practices) are well aware of the weaknesses and common trends (CSESs) of depriving workers of their wages.**

Tahir said his Pakistani boss had not given him RM10, 000 and he could not say anything to his boss. Just a day before receiving his salary, Naveed Ali was arrested by the police and spent three months in prison for no crime. The boss never visited or contacted Naveed Ali. After the release from the prison, Naveed Ali contacted the boss, but the boss refused to give him wages. Naveed Ali could not do anything except staying silent and cursing him.

Karim Bux in the start was promised to be given RM1200 and then RM1400, but for six months he had not received a salary. He claimed that his boss owed him RM10, 000. Karim Bux added, **our boss has never felt that he is doing injustice with us [workers].** Like Karim Bux, the workers have internalised such feelings of fear and risk. However, these feelings were not only self-constructed but were results of the general environment (CSESs) and the migrant workers were conscious but also because the employers had removed workers. Karim Bux said, **We workers do not find any place to complain and get our wages.**

Waqaruddin said that he had left two works because the bosses did not give him wages on time. Overall, Waqaruddin claimed, **I have lost around RM9, 000 because I kept quitting work.** Waqaruddin and all other migrant workers’ agency was not active and able to get their rights/wages. The structural constraints were so immersed in their habitus that they could not take a single action to get their rights; for which, they had come from Pakistan. They did not find supportive structures within the broader and small-scale structural layers (especially communities of practices). They coped with these losses by believing it is part of the life of migrant workers, blaming the agents and cursing the agents, employers and sometimes their fate. Karim Bux said, **perhaps, my fate is not good.** They had internalised that they could not do anything to any agent, the subagent, supplier, employer/bosses, and the locals.

**Removal from the work**

For Hafiz, removing a worker from work was a matter of a few seconds. He said, **Boss and supervisor, have the freedom to remove any worker whom they did not like.** Waqaruddin had known many Pakistani, Bangladeshi and Indonesian workers who were immediately removed
from the work. Waqaruddin referred to a list of constraints a worker could face in the structure of migrant workers market, and it all happened in an informal manner, which is not recorded anywhere except in the habitus of the migrant community of practices, which guided and determined the behaviour, attitude and all other practices of the migrant workers in the market.

Maroof was removed from work because he said; I was unable to attend the phone call of the boss. For Maroof, sudden removal from work was unbelievable because he was trained and a skilled worker with technical knowledge. Waqaruddin added, A worker removed from work is often deprived of wages by some angry bosses. Therefore, the worker has to search a new work as soon as possible; and for this purpose, the worker starts contacting other workers, supervisors and bosses, and requests them to inform him if they knew any work. It clearly shows that the migrant workers do not run after any pillars to seek justice but look for another work.

They are treated like criminals, Rehmat added. Rehmat referred to a general social sentiment towards the migrant communities of practices in the migrant workers’ market. This sentiment is known to (inscribe in the habitus) all the migrant communities of practices. Rehmat said, The local people and bosses know that no worker will dare to say [resist] anything. Bosses use to humiliate workers at all times at their will. It is a normal and routine practice because they knew that workers could do nothing to them. He indicated towards conjuncturally external structures in which the employers’ (bosses and supervisors) communities of practices are aware of workers’ agency (capacity, dare, courage, and status) to deal with the structural matters. He claimed, from all aspects workers’ are helpless even they are legal, have a proper work permit and are right in their stance in conflict with the bosses. Rehmat referred to an inactive individual agency in the social environment and the migrant workers’ market where no one could help them (including the high commission), but their clam, patients and torture bearing attitude (practices) could let them survive through the hardships.

The migrant workers’ direct interaction with the bureaucracy

Bakhtiarullah: “they [the high commission] do not help.”

Bakhtiarullah, 22, coming from Bunner, had given the passport and money to the agent for the renewal in 2015. It had been a year (in November 2016) Bakhtiarullah had not received his passport. His agent claimed that he had submitted documents (including passport) with the immigration and the immigration denied receiving the passport. Bakhtiarullah trusted the agent and did not ask the receipt of a submission from the agent. When Bakhtiarullah became hopeless to receive the passport from the agent, he paid RM100 to another agent to receive the police report on the loss of passport from the police station. Then along with the police report, he visited the High Commission of Pakistan to apply for the new passport. He claimed that the Commission refused to provide him a new passport. The commission told him that he was lying. He said that it had been three months, the police report had expired. Then he went to the agent waiting outside of the Commission (as many of the workers often did), who demanded RM1500 for a new passport whereas the original cost of a new passport was around RM280 (The High Commission of Pakistan, n.d.). Bakhtiarullah said that he could not afford this amount (he was a broke), so he did not proceed to get a new passport. Bakhtiarullah wanted to go back to Pakistan, but he had not enough money since he had come to Malaysia by getting a loan from relatives, and from his nominal wages, he was yet unable to return the money. More on that in the market during a heavy rain he slipped and broke his leg. He said I want to go back to Pakistan after one year because I do not have money to get out pass and ticket. He will not go to the embassy for the ticket because he said, they do not help. He added, Many people in jails, our embassy did not give them ticket, how they can give to me. I do not know anyone who is in
jail with such demand, but I have heard a lot that there are many people in jails without any support, and they [the high commission] has abandoned citizens of Pakistan.

“The dogs you have at the reception.”

One morning, Altaf, 26, hailing from Peshawar city, woke up on the rooftop of the under-construction building where he was working as a worker. He came to know that his small beg to which he used as a pillow was not under his head, which contained his passport, money, mobile and other valuables. He could not blame anyone because hundreds of workers sleeping on the construction site. Altaf had managed to keep photocopies of his passport at the place where had left his luggage. After the loss of the passport, he took the photocopy of the passport and went to the Pakistani high commission. He said there were dogs in that place, and I cannot tell you how they treated me. After around five months of continuous struggle, he received back his new passport from the high commission.

Altaf’s painful struggle starts on the day one he appeared at the high commission. He told the person at the reception that he had lost his passport and wanted to have a new passport. That person said to him for coming back after a week but Altaf insisted to register and accept his application. The officer said to him for bringing the visa copy and passport copy. He arranged these copies, but then he was asked to bring computerized national identity card (CNIC) copy. Then, the official at the reception asked him to bring company’s letter which has provided him the work permit. For that purpose, he went to Johor Baru. After one week, Altaf by paying money to the agent brought company’s letter. After seeing the company’s letter, the person at the reception asked him to bring the immigration letter. It took him one week. Altaf informed that the officer did not tell him about documents all together but one by one, which cost him 45 days. During these days, he did not go to work. He spent around RM3500 on travelling and paying to the agents, which he borrowed from a friend. Altaf said Many workers and friends suggested me for not worrying about the passport and do not apply for the new passport. During continuous annoying visits of the High Commission, I had felt not to get a new passport. I thought to drop the idea of getting the passport because it took lot of time, money and wages, and the attitude towards me was very bad.

After 45 days, when Altaf completed all the documents, he was asked to come back the next week and speak with the high commissioner because the official told him that there was too much rush on only that day (in a week) when the commissioner had meetings with the public. The next week, Altaf was unable to meet the commissioner. Then after a couple of weeks, he was finally able to meet. Altaf said, he met with the commissioner and showed him his documents and told him the story of the loss of his passport. Altaf said, The commissioner said to me that you are thief and lier. You had no work permit, but you wanted to make a new passport. Altaf was extremely embarrassed and shattered to hear such comments.

Altaf kept telling the commissioner that he had all the documents and he had a genuine work permit. However, Altaf shared that the commissioner kept insulting him in front of many other people. Altaf bid to the commissioner that he could check and verify all the documents, if there was anything wrong, and then he did not need to give him the passport. After a couple of minutes shouting and insulting, the commissioner questioned Altaf who had said to him to bring the letters from the immigration and the employment company. Altaf said he replied him, “The dog you left on the reception had told me to bring all these letters”. One person the officials had reprimand Altaf for behaving this way. Altaf said, I told him I am behaving the same way as you people are behaving. Altaf started telling them how painfully he had arranged the documents after spending loan and without doing any work for two months. Altaf understood the situation and immediately apologised to the commissioner.
One official asked Altaf that he should go to the reception and submit the documents, and after a month he should come back and check his name on the list on the notice board; if he found his name on the list, and he would receive the passport. Altaf submitted the documents and returned to the commission after a month. He did not find his name on the list. He inquired from people on the reception. He wanted to meet the commissioner, but no one allowed him. He was asked to come back after a month to check his name on the list. The next month, again his name was not on the list. Therefore, he came back on that specific day, on which the commissioner met with the public. Luckily, he was able to meet the commissioner. The commissioner regretted to tell Altaf that he had not submitted the application documents. After such extremely horrifying news, Altaf said, I said to the commissioner that the embassy [the high commission] was a place of gangster. Altaf had no receipt and no written proof but only verbal assertions. After listening excuses and rebuking and insulting remarks from the commissioner, he told them that he had borrowed too much money to come to Malaysia, he was unable to pay it back rather he had taken loan. He threatened to kill himself. The officials along with the commissioner told Altaf to sit outside of the office, and he would be informed shortly. After five hours of wait, he again went inside and talked to the commissioner, who rejected Altaf’s claim that he had submitted the documents. Altaf said, he got helpless and started crying loudly. It worked. The Commissioner asked him to bring the copy of the passport and the work permit, and submit it at the relevant counter the next morning. The next morning, he was given the receipt after the submission of documents. After a month, Altaf received his passport. It took him around five months to get the new passport. His work permit had already expired. Therefore, he paid double amount for the renewal of the work permit, and he paid extra RM2000 after getting loan from friends.

Counsellor access to Pakistani prisoners

Almost all the informants shared that they have heard the worst conditions of prisons in Malaysia. Asim shared that his close friends have been to Malaysian prisons. They were caught because their work permits expired, their companies were blacklisted, and they had not enough money to get a new work permit from a new company. Asim added that his friends shared horrible stories about life in prison; prisoners did not get proper food; they got food only to survive days; in days of sickness, there was no medical care; prisoners were scared to share their illness to prison wardens because of punishment they received. Asim said that one of his friends Malik was caught from the house during a raid. Asim informed, Maliks was sentenced for six months. It had been a year. A few weeks ago, he had sent message to us through another friend who had visited the Sungai Buloh jail, in which he had requested to arrange tickets. The house fellows had donated money and arranged the ticket.

The police arrested Naveed Ali and let him spend three months in prison for no crime. The police had come to look for a local man who had injured a Malay man, but they took him from the security checkpoint. He said the police had come in plain clothes; I could not recognise them and felt that they are gangsters. When they demanded the passport, I refused, though it was in my pocket. The boss never visited or contacted Naveed Ali. The commission also did not visit him. After the release from the prison, Naveed Ali contacted the boss, but the boss refused to give him wages. Naveed Ali could not do anything except staying silent and cursing him. He said he did not like to go to the commission because I feel that there is no difference between the commission and me. We both are weak in this country, but people in commission enjoy life and we workers live worst lives.

Naveed Ali had spent three months in Sungai Buloh jail and considered it a dangerous place. He informed, For foreigners, it is foreign place. For local Malay prisoners, a prison is a normal place. They have mercy on their people, but they do not have feelings for foreigners.
They bet me, and did not allow me to speak with others. He informed that there were many Pakistanis in prison with different issues and many had completed their sentences for a long time ago and waiting for help from outside.

Saifullah said that he had visited Kajang Jail, and Immigration Depo in Bukit Jalil to meet his Pakistani friends, where he learned about many Pakistani who had completed their prison terms and waiting for the counsellor access and tickets. In May 2019, on the request of Prime Minister of Pakistan, 320 Pakistani prisoners were released from different Malaysian prisons and repatriated to Pakistan (Free Malaysia Today, 2019²). Ikram shared that many of them had completed their jail terms even some were waiting for ten years after completing their jail terms.

As part of the services, it is mandatory on the high commission to visit the prisons and learn about the state of its citizens and provide them with counsellor access and inform to their family members. Asim said I am sure that our commission receives data and information about all its citizens in prisons. The problem is the commission does not have human resources, and they lack solutions to resolve matters. As part of the diplomatic ties, on humanitarian grounds and financial burdens push countries (like Malaysia) to send a list of the prisoners (completed their sentences) to their home countries’ bureaucratic institutions (embassies, the high commissions, or consulates). Since this research does not include the bureaucratic perspective; therefore, it is unjustified to state that the high commission of Pakistan had not received such information about the completion of the prisoners’ sentence.

The image of the citizens at the representatives

On 5 April 2016, the researcher had a meeting with the most senior official in the High Commission of Pakistan in Kuala Lumpur in his office. The meeting longed for around for 30 minutes. In the meeting, the official had shared general concerns of Pakistani migrant workers coming through unauthorised channels and the plight and negative tricks of such workers. However, the meeting was so brief that the researcher could not make enough sense of his views about the workers. However, the only sense the researcher could make from his talks on Pakistani workers was, the High Commission (which was the only official source of help or rescue for the migrant workers) did not have a positive image about the workers. Meaning, in the eyes of the high commission, the migrant workers were cheaters, but the migrant workers believed that only the High Commission was a panacea to their problems in an alien country. The treatment Altaf received at the high commission also endorses to the idea that among the bureaucrats, the migrant workers were frauds.

The official stated that many Pakistanis were living under illegal status. They came through agents and sometimes got passes through them, but many returned to Pakistan after they were unable to get work permits. He shared that if a worker was working in a factory and factory was serious in taking the workers; then the high commission had no problems. The official also blamed Pakistani workers for their anti-social behaviour; if in a company, the number of Pakistani workers is more, they make groups and start competing and fighting each other; these fights are small and sometimes become intense and severe, and they end up in the police station. The official also informed that legal Pakistani migrant workers did not create problems, but the illegal workers did. The irregular migrant workers’ identity kept changing from documented to undocumented and vice versa.

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Redressal Mechanisms, cursing the bureaucracy and trust deficiency
Of the total 35 informants, 13 had no work permits at the time of the first interview. Among them, three informed that their work permits were in the process. One (Hafiz) had received a special pass to go back to Pakistan, and one (Bakhtiarullah) shared that his agent had lost his passport. Of the total, eight workers had plantation work permits, but all of them were working in sectors other than the plantation sector. These details are at the time of their first time interview with the researcher, but these changed with time. For instance, Karim Bux had work permit until October 2016 (in the same month, the researcher had met him for the first time), and then he lived and worked in Malaysia without work permit until April 2017.

Amir informed that it was not him, but all workers had issues, which include no work permit, no passport, no proof of work permit application submission, overstayed, the company blacklisted, no money to apply for the new work permit, and working in a different sector, region or company, no wages, removed from work. He said all other workers and he have no control over any thing [structures and communities of practices] in Malaysia. A worker could not complain anywhere against the agents, bosses, and supervisors. Ikram added that it is not possible to complain against the local boss and supervisor even a worker has a genuine work permit. He said it is because the worker has to live and work in the same country and the locals could cause trouble to him. Also, the work permits are not permanent things. One year, the worker gets the work permit, the next year, the company is blacklisted. As in Nasir’s case, the Gemilang Company’s owner was offended because Nasir had lodged a written complaint at the high commission of Pakistan. In result of his complaint, Nasir knew that the next time, his work permit would never be renewed. Therefore, he left Malaysia to avoid arrest, detention, and humiliating life and deportation.

Amir said there were also two other things, which most of the workers faced, which are the police and no choice of work in any sector and area. Amir said, Most of the workers cry that the police stopped them and took money for one or other reasons even they had a work permit, but those workers faced more serious problems who have no documents. He added that there might be other issues, but these issues were enough to create stress for workers. Ikram said The conditions of workers are not taken into account. Bosses mostly care about work and their benefits. The informal structures and the local employers (communities of practices) did not wish to keep the migrant workers tensionless so that their interests are served without any hurdles. The structural constraints for the migrant workers are opportunities for local employers, supervisors, the manager and the officials, and also for the bureaucrats in the high commission who collect ample revenue by issuing or attesting documents.

Maroof said that finding work is easy. The majority of the informant also believed that finding work was comparatively easy but finding well-paid work and a reliable employer was as difficult as finding a genuine agent. The major concern among all workers was to have a wage. Ikram said Newly arrived works were often deprived of full and some part of wages because they did not understand bosses’ tricks, especially those who had a habit of depriving workers of their wages. However, the question is, even if they understood everything, and they were deprived of wages, what could they have done. The answer is, they could not do anything. Most of them faced such a situation, and they often did nothing because the society they had joined had no redressal mechanism to remedy their grievance or to address their woes. Even if the mechanism existed, but the variety of structures including CSISs (perceptions of risks) did not allow them to take risk and jeopardies their stay and work rather the institutions within the mechanism were believed to be a major threat to their earnings and survival. This phrase ‘could not have done anything’, which is repeatedly said by all informants, means that they were constrained and deprived of other opportunities, i.e., to live and work in Malaysia. This phrase is not a phrase but a practical guide for them throughout their stay and interaction with all layers of Malaysian structures and their country’s transnational bureaucracy too. As a result of the interplay between their expectations (CSISs) and ground realities (CSESs), the habitus of
migrant workers is continuously reshaped with social and cultural capitals (new skills, new values, new norms to survive in the host society full of different communities of practices) which enabled them to deal with constraints in the new place by staying silent and clam to bear the abuse and exploitation and only cursing and swearing the bureaucrats and others.

Haroon had added that like any other worker, he could not afford to complain against the agent at the police station (or anywhere else) because the police were the most dangerous who could deprive the workers of more money and could send them to jail. These threats and intimidation were culturally constructed in the conjuncturally specific external environment, which was gradually inscribed on migrant workers’ mind. Thus, they avoided taking the risk for their survival.

**Trust deficiency**

In December 2014, Haroon came to Malaysia through the agent. He only once received the work permit under the table setting- the officer had issued the sticker without following the due procedures. Afterwards, he had no permits until October 2017 when he returned to Pakistan through counter setting- the agent had arranged the fake outpass for him with the help of the official, and he passed through the specific immigration counter at the KLIA. He was informed that his company was blacked, and he did not know its reasons. He had given his passport and money to a couple of agents, but no one had helped him. Before leaving for Pakistan, he had given RM5000 to a Pakistani agent cum company owner. For many months, he kept pursuing, but the agent had stopped attending his call. Then, he sent messages to the agent that he wanted to go back to Pakistan and he needed only the passport. The researcher asked him if he could complain against the agent. He replied, *Every person is doing two number work* [meaning everyone is cheating]. The researcher asked, has he been to Pakistani high commission. He replied, *No I have not been there, but heard a lot about it. Many workers go there and share their stories about outpass, special pass and other activities, but those workers who are trapped they use money to get their works done from embassy.* He informed that perhaps, *there was an option to complain somewhere* against the agent. The researcher asked, would he try at the High Commission of Pakistan. He replied, *what will happen there?* Haroon replied that he wanted to try one more time with the agent who might give him back his passport. Otherwise, he would go to the Commission. After a couple of days, Haroon informed that he had received his passport but without the money. He also regretted that he would not compliant against Pakistani agent at the commission. He said *I am not sure if the embassy will help me to get my money from the agent. It is the place always crowded with people doing fake practices; therefore, no use to go there.* He surrendered his money and returned to Pakistan.

Karim Bux claimed he had not received RM10,000 for his many months’ work and his work permit had expired. His agent cum the company owner was extremely rude to him and was demanding RM6000 to renew the work permit. However, he had strong faith that the high commission had power and could resolve all Pakistani’s problems, but he also had strong faith that the commission would never help him; although Karim Bux had never approached the commission. His and Haroon’s trust deficiency was the outcome of the conjuncturally specific external structures (social environments) filled in with the social practices of negative news stories of the high commission. Amir said, *we have to face only troubles, and from the day one we are facing troubles.* Karim Bux said *we workers do not find any place to complain.* Whereas, Nasir also had no faith the high commission and Altaf had serious grievances against the commission. Altaf said, *It is not only me, but they deal with all like this. There are two workers in my house, and they have the passport issue. Our commission badly treats with those workers*
who lose their passports. I have met with many people. They all complain about the high commission. In four years, I have not heard good news about the commission.

Cursing and swearing

If they did not complain to any place including to the high commission, what they did then. They are engaged in practices of cursing and swearing the agents, subagents, employers and also people at the high commission. These both social practices (one in the supernatural domain and the other is in the social/cultural domain) are related to their habitus, CSIS and agency. They utter curse/retribution for being cheated, abused and exploited and also not helped by the commission. They invoke a supernatural power to inflict harm or punishment on such people. These feelings influence the migrant workers’ internal structures to avoid becoming the agent or to do the work of agents. Cursing and swearing are social practices; the cursing belongs to the world outside of human perception. It is not observed in material reality. They are powerless and hopeless. They cannot go to the police, and they cannot access to any formal mechanism to redress their grievances (loss of money, wages and passports) because of their status. They also did not have hope and trust in the high commission. If they did anything, they would be in trouble or arrested by the police. In this situation, the migrant workers primarily curse or swear in the absence of the agent, subagent, employers, and the bureaucrats.

The curse is meant to punish the evilness. The researcher notes down the two forms of agencies: Physical agency and emotional and verbal agency; the physical agency is helpless, but the emotional and verbal agency is still active, which could react to the cheatings; this agency does not affect the CSES and more proximate structural layers, but it does affect the CSIS, which satisfy the workers. It gives them a sense of hitting back with their emotional and verbal agency. They cannot change the external structures or use the external structures to get justice but influence their CSIS by using a verbal and emotional agency. Cursing and swearing (use of bad words or foul language) are quite empowering verbal and emotional practices. The agents’ communities of practices have influenced the migrant workers’ psychological wellbeing. They render them option less and hopeless but equip them with the verbal and emotional agency.

Conclusion

From the migrant workers’ perspectives, this research has examined the intense precarious circumstances and conditions without wages, low wages, no social security, poor working conditions, lack of work permits, and fear of being abused, arrested, detained, sentenced, humiliated, and deported. The research did not examine ‘the daily rituals of the bureaucratic practices’ (Mathur, 2017) but the sporadic social practices and encounters of the migrant workers with the bureaucrats in the transnational bureaucratic institutions (the British colonial legacy in the shape of high commission).

In the process, the migrant workers encountered two similar kinds of more proximate external structures in the same locations: 1) transnational bureaucratic structure (space) inside the high commission of Pakistan in KL and, 2) Malaysian structures (spaces) outside of the commission. In the high commission of Pakistan, they face unfavorable treatment. In Malaysia, they encountered extremely precarious working conditions greatly out of their control but largely influenced by the hidden informal structures, which served the developmental agendas of the proximate structural layers.

The data revealed that the migrant workers lacked trust in the high commission, which represented them in a foreign country. Thus, they did not take their matters and issues related to no provision of wages by employers, and frauds by agents to the commission. Those who
Bureaucracy and Pakistani Male Migrant Workers' Reconciling Social Practices In Malaysia

tried to seek help, they found the commission as failed (for instance, Nasir). They relied on the social practices of swearing and cursing the authorities, including the bureaucrats representing them. The commission was also reported as a site of structural violence (as envisaged by Gupta) as in the case of Altaf who braved the situation with his emotional agency. In the transnational social circumstances as the public good in the shape of social security and protection is impossible from the structures in the destination, so is true about the representative bureaucratic institutions in the same country.

References


A STUDY ON IRREGULAR MIGRATION FROM BANGLADESH TO MALAYSIA THROUGH BAY OF BENGAL AND ANDAMAN SEA

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Abstract

Human trafficking has become a great concern for Bangladesh. Every year thousands of Bangladeshis are migrating overseas either legally or by illegal means. In the last couples of year, total flow of remittance was not satisfactory because of the diplomatic tension between the Bangladesh and major migrants receiving countries. In addition, the new migrations policies of the Middle-Eastern countries also have shrunk the scope for Bangladeshi migrants. As a result, the number of human trafficking from Bangladesh to Malaysia has increased. This paper is an attempt to unveil the key causes of human trafficking through the risky Bay of Bengal and the Andaman Sea by analyzing the field data. It will focus on the case studies of the trafficking victims and their family members with focusing on why they took this dangerous path of irregular migration. It also argues for effective mechanism to monitor the whole process of human trafficking from Bangladesh to Malaysia an urgent basis.

Keywords: Irregular Migration, Anti-trafficking policy, Trafficking victim, Bay of Bengal, Andaman Sea, Boat People.

Introduction

Irregular migration is an issue of great concern for today’s world. There are various factors which are responsible for this conundrum. These are over population, natural disaster, poverty, illiteracy, lack of employment opportunities etc. Thus, migration has been a livelihood strategy for the millions of people all over the world for the long time. Bangladesh is one of the top countries of the world in terms of sending labor migrants. However, even today poor as well as better off people pursue migration for changing their living conditions. The choice of destination and level of benefit side by side risk varies from country to country in terms of socio-economic paradigm. Practically, international migration takes place within the legal framework between the sending and receiving states. The main destination countries for Bangladeshi migrants are India, Malaysia, Europe and the Middle East. The traffickers use the Bay of Bengal as a transit route to migrate Malaysia illegally. The fishing season from October to January is the high time for irregular migration and trafficking. Local brokers from Bangladesh, pirates from Andaman, collaborators from Thailand and traffickers from Myanmar are involved in this human trafficking process. Trafficking of unskilled labor force from Bangladesh to Malaysia through the maritime route of the Bay of Bengal is added a new dimension in the trafficking history of the continent of Asia. It is one of the dangerous routes of human trafficking. Many of the trafficking victims have lost their lives in the boat because of the torture and hazardous condition. Most of the victims are from the non-traditional migrant’s prone areas of the country. These are mainly form low international labor migration producing districts: Jessore, Khulna, Bagerhat, Sirajgunj, Rangpur, Dinajpur, Brahmanbaria, Pabna and Cox’s Bazar.

Problem statement, the research questions and objectives

The main objective of this paper is to find out the causes of the human trafficking from Bangladesh to Malaysia through the maritime routes of the Bay of Bengal and Andaman Sea based on the field data. It also shed light on the state of human trafficking from Bangladesh to Malaysia in light of theoretical perspective. Later it will assess the anti-trafficking policies of Bangladesh government and its neighboring countries. Finally, this paper will offer some recommendations for resolving the
human trafficking conundrum. In line with the objectives, this study has framed the following questions: Why do traffickers choose Malaysia as a destination country through the maritime route of the Bay of Bengal and Andaman Sea? And what measures need to take for tackling the human trafficking?

This study is organized in four sections. The introductory section unveils the objective, literature review, research methodology, limitation and question of research. The second section reviews relevant issues regarding human trafficking by giving a definition and covering up the human trafficking from local and global context. Later, it will try to highlight on the causes of trafficking by using the Bay of Bengal. The third section deals with data presentation and analysis. It will describe tabulates and analyses the data and findings. Finally, individual case studies will be analyzed to map out the root causes of human trafficking. In the fourth and final section draws a conclusion with the findings and discuss on the anti-trafficking policies of Bangladesh to tackle the trafficking.

**Literature Review**

Human trafficking is mainly for two purposes: trafficking for prostitution and trafficking for forced slavery, or indentured labor. Most of the researches on the human trafficking are based on women and children with focusing on prostitution, forced marriage and children for camel jockey in the Middle East. Literatures mainly focus less on the human trafficking of men for the purpose of exploitation of labor and selling them to the industry owner.

Aronowitz (2009) in “Human Trafficking, Human Misery: The global trade in human beings” uncover the global context of human trafficking by giving a definition of the term ‘Human trafficking’ and how this problem is so serious for the world with multiple perspectives. Finally, she gives an outstanding guideline for ending the human trafficking by regulating effective law in international, regional and national level. Mahdavi (2011) in her book title “Gridlock: labor, Migration and Human trafficking in Dubai” focus on the horrendous condition of the migrants’ workers in Dubai who come from various parts of the world. She analyzes the poor condition of these migrant workers in UAE where proper law and regulation were poorly maintained. Siddiqui (2005) in her edited book title “Migration and Development: Pro-Poor policy choices” reveals the impact of remittance in the development of the livelihood of the citizens of the country. Thousands of Bangladeshi citizens choose migrations as their livelihood strategy to change their economic conditions. Data and research on “Human trafficking: A Global Survey” (2005) published by the International Organization for Migration (IOM) address an operational definition of Human Trafficking and its limitation, challenges of trafficking related research in the national and international arena. Bacon (2008) a professional journalist turn writer in his books “Illegal People: How Globalization Creates Migration and criminalizes Immigrants” highlights on the mismanagement of the states to deal the migration issue in the era of globalization when the information flow, communication technology are easier than ever before. Bohl (2010) shed lights on two basic objectives in his dissertation. One is how demand and supply led to the trafficking of the children and women from Nepal to India and next one is to examine the anti-trafficking policy of the Nepal government. Betz (2009) examined the trafficking within Southeast Asia and differences between the causes of labor and sex trafficking. He further analyzes the anti-trafficking policies of three particular countries; respectively Cambodia, Thailand and Indonesia with mentioning the universal causes of trafficking as well as regional causes of the human trafficking.

**Methodology**

For the purpose of this research secondary source; reports and publications of various organizations, journals, booklets, newsletters, photographs, and newspaper clippings are assessed. Secondary data was collected from organizations like, DHAKA AHASANIA MISSION, the Bangladesh National Women Lawyers Association (BNWLA), International Organization for Migration (IOM), The International Centre for Diarrhea Disease Research, Bangladesh (ICDDR, B,) and Local Government Bodies, Chittagong Metropolitan Police Headquarters’ information cell, Refugee and Migratory Movement Unit (RAMMU), Yong Power in Social Action (YPSA), Winlock
International, International Labor Organization (ILO), the Ministry of Women and Children Affairs, the Ministry of Law and many others. The primary source is based on the interview and case study. Questionnaire covered both open and close ended questions. Close ended question was used to get much specified answers and to save time. On the other hand, open-ended questions helped to get insight the view of some issues. The sample size of research is 40 that include 20 victims and 20 victim’s family member. Due to the hidden nature of the trafficking victims, 30 respondents are taken for interviews where the members of the victim’s family are 23 and 7 the victims. In addition, 5 individual’s case studies are included in the data analysis section.

**Conceptual and Theoretical Issues**

**Definition of the Terms**

There is no agreed definition of human trafficking in the international arena. Voluntary and facilitated migrations, exploitation of labor, and prostitution have been included in the definition of the human trafficking. The historical experienced of the human trafficking has changed over time because of the changing realities. Nonetheless, trafficking researchers also disagree on how the definition of trafficking should be defined and studied. The International migratory movement prescribed some of the pre-conditions of the human trafficking: “Money (or another form of payment) changes hands, a facilitator the trafficker is involved, an international border is crossed, entry is illegal, and the movement is voluntary.”

The United Nations defines human trafficking as follows: “The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of prostitution of others or other forms of sexual exploitation, forced labor services, slavery or practices similar to slavery, servitude or the removal of organs.” (Aronowitz, 2009, p. 1)

**The Migration-Smuggling-Trafficking Nexus**

There is a complex relation among the three terms’ migration, smuggling and trafficking. Those terms are confused in some extend for trafficking researchers. Both smuggling and trafficking have some common elements. To understand better these it is necessary to elaborate the idea of irregular migration. Irregular migration is a complicated concept. There are lots of ways that a migrant can become irregular. People who enter a country without proper authority called as irregular migrants. It is also the people who have entered a country legally but after expire of the visa he/she terms as irregular migrants. The term also comprehends people who moved by migrant smugglers or human traffickers, and those who deliberately abuse the asylum system. (Khalid Koser, 2007, p. 55-56) Both the victims of smuggling and trafficking leave a country willingly. “Even if the entire sum of money is paid in full prior to departure, this does not guarantee that a person will not be trafficked and exploited. In a study conducted under the supervision of the United Nations Interregional Crime and Justice Research Institute (UNICRI) in the Philippines, two men paid the entire sum of their journey prior to departure, having been promised work in a factory making paper bags. Upon arrival in Malaysia, they were sold to a plantation owner, imprisoned on the premises, and their salary was withheld.” (Aronowitz, 2003) The noticeable difference between the trafficking victim and smuggled persons is that smuggled persons enjoy the rights of free movement. On the other hand, trafficking victims have to stay in a locked room or firms.

**Global, Regional and National Perspective**

In the global arena, human trafficking and migrants smuggling represent small portion of the irregular migration. Both of the terms shares negative consequences. “Human trafficking victims are often forced into low-paid, insecure, and degrading work from which they may find it impossible to escape and for which they receive trivial or no compensation. On the other hand, smugglers charge many thousands of
dollars to transport migrants from one place to another. Smugglers do not always inform migrants in advance of where they will be taken. The means of transport used by migrant smugglers are often unsafe, and migrants who are travelling in this way may find themselves abandoned by their smuggler and unable to complete the journey they have paid for. Using the services of smugglers, many migrants have drowned at sea, suffocated in sealed containers, or have been raped and abused while in transit. Practically, Trafficking of persons into bonded sweatshop labour, forced marriage, forced prostitution, domestic servitude, and other kinds of work is a global phenomenon that takes place within countries and regions and on a transcontinental scale.” (ICDDR, B, 2001, p. 9)

Regional Context

Trafficking in Asia is higher than any other region of the world because of the rapid industrialization and development of tourism in South East Asian states. South Asia and South East Asia are the vulnerable sources and receiving states of human trafficking. Historical linkage, religious issues, cultural ties and linguistic similarities are playing the important component for the smuggling, human trafficking and overall irregular migration. During the colonial period the Indian migrated to Malay to work in the plantation field. Moreover, the International Labor Organization (ILO) estimates that the “minimum number of persons in forced labor at a given time as a result of trafficking is 2.45 million.” “This figure represents only 20 percent of the estimated total number of persons in forced labor worldwide. There are large geographic differences between regions, with Asia and the Pacific accounting for more than half of the total figure (1.36 million trafficked persons in forced labor).” (Aronowitz: 2009, p. 17)

Bangladesh Perspectives

The causes and impacts of the human trafficking of Bangladesh can’t be understood without considering the socio-economic history of the country and the perception of the global community. After the independence of the British in 1947 present day Bangladesh became the part of Pakistan which separated by 1,200 miles. During the 1947-1971 many cross-border families were formed between the two parts of Pakistan. Traffickers took the chances of the geographical distance as opportunities. Before the separation of the East-Bengal from West Bengal Calcutta was the center of British India. Many Bangladeshis were trafficked to the brothel in Calcutta during that time. It is continuing up to the present days. United States State Department trafficking in Person (TIP) report 2013 levels Bangladesh as a tier-2 status. "Some of the Bangladeshi men and women who migrate willingly to the Gulf, Maldives, Iraq, Iran, Lebanon, Malaysia, Singapore, Brunei, Europe, and elsewhere for work subsequently face conditions indicative of forced labor, such as restrictions on movement, withholding of passports, threats of force, physical or sexual abuse, and threats of detention or deportation for immigration violations. The Bangladesh Association of International Recruiting Agencies (BAIRA) is playing a very silent role to counter the trafficking menace in the country." (TIP report, 2013). However, trafficking is getting an acute condition in Bangladesh. The exact figures of the trafficking victims are very difficult to count. “The UNHCR’s irregular Maritime Movements report (January to June 2014) claimed that since 2012 till June 2014, 87,000 people had migrated to Malaysia by maritime routes through the Bay of Bengal, via Thailand 53,000 migrants reached Malaysia in the last year alone, which is 61% higher than the previous year.” (Siddiqui, 2014)

Major Trafficking Routes of Bangladesh

Bangladesh shares the 4,222-km, long border with India and a 288-km border with Myanmar. Twenty-eight out of 64 districts of Bangladesh have the common border with India and two of the districts have the border with Myanmar. Monitoring and swift initiatives against any unlawful activities in the border area is a very tough task for the Border Guard of both sides. Most of the traffickers used the land border, but a small number of trafficking network use sea routes also. There are 18 transits’ points along the Bangladesh-India border through which children and women are smuggled. Beanpole is the common southern spot for trafficking from Bangladesh to India. “The most commonly-used border points for crossing in the north are Hili, Singimari, Mogolhat, Burimari,
Now-a-days, Cox's bazar has become the busy spot for human trafficking to Malaysia via the Bay of Bengal because of the position of the three Rohingya refugee camps.


The phenomenon of migration is perceived as a complex social event because of its multifaceted connection with society. Some of the critics challenged the rigidity of the migration theory compared with other social science theory. The ratio of migration has boosted after cold war. Migration research has become the leading discourse in all over the world. As a result, the question of wickedly theorization of migration has blurred.

Result
Analysis and Findings

The main objective of this study is to find out the causes of trafficking and what types of policies should need to prioritize for protecting the human trafficking problem. The present study also aims at investigating the comparative discussion of the causes of the trafficking in the national, regional and global level. To fulfill the purpose 30 respondents were selected in a purposive basis from the four Upzila of Cox’s Bazar, Rangamati and Chittagong district. In the questionnaire respondents were asked about the demographic information, causes and measures to curb the human trafficking.

Case Study 1: Victim’s Wife, Age: 32

I saw a middle age women working as a domestic worker in the Khulshi area of Chittagong whom I selected as a sample for collecting the primary data of my thesis. I asked her how many family members in her house. Very simply he replied the details of her family members. She told me the story of her child who is currently studying in a local school. She managed the tuition fee of her children by working as a domestic worker. She is planning to admit her younger child in a local primary school. She is waiting for better days in the future. She got the offer of a job of 2000 taka monthly salary for her children in a local shop. She is now 32 years old and served as a domestic worker which is locally known as bhowa. The tragic moment she experienced in her life few months ago when her husband took the decision to migrate
Malaysia for a better life. She upset by hearing that her husband finally was ready for going to Malaysia without considering her objection. Her husband older brother managed one lakh taka for the whole cost of the migration. She didn’t know in what ways her husband could go Malaysia. Local dalals collaborating with the victim’s brother had completed all formalities and he is the Bangladeshi agent to run all the formalities of human trafficking. Shohel is the main dalal in the process of the requirement of the person from the different parts of the Nabinagar Upazilla Bramanbaria of Bangladesh. I asked one question whether she knew about the migration of her husband she said in a regret mode. ‘(He didn’t say anything to me, only the day when he left the house said good bye to me, In return I told him, let go foreign country without my consent and you will understand later)

Her husband replied that he did not inform earlier because of her unwillingness to give him support to go aboard. She further said that her husband didn’t give any money to lead her livelihood. Later she started to work as a domestic worker in various masses of the Khulshi area of the Chittagong. In the first two months, she did not receive any news of her husband. She knew about the news of her husband from the newspaper after the Thai police arrest the illegal Bangladeshi migrant from the northern forest of Thailand. She expressed her frustration about the role of the police after the come back of her husband from the Thailand. Police took 15,000 taka for the bail out of her husband. She stated that currently her husband is the unemployed person and lead his life in the house dreaming to go aboard again very soon. She felt upset again by remembering the happy days of their family in a tiny room in the city when her husband works as Periwola in the lane to lane in the city area by earning 250-350 per day income.

Case Study 2: Victim’s Father, Age: 58

I was a bit of surprised when Shaising Mong Marma age near around sixty came with my brother’s friend in the Chittagong city from Kowakali, Rangamati to search his beloved son. I didn’t get any of his point because he is speaking in his indigenous language with the Annu Sing Marma the translator of our conversation. He hasn’t received any formal education. Very simply he told me that about five or six months ago his son went to Malaysia through crossing the Bangladesh-Myanmar border via Bandarban and he crossed the Bay of Bengal to reach Thailand.

After reaching Malaysia he didn’t send any money to the family. Rather he sent around 15,000 BDT to Malaysia for his son. In total the two lakh BDT he cost for his son for the whole migration process. He managed the money by land bandage and barrowing loan from the locals. His son is a married man and left two sons in Bangladesh along with his wife. He is living along with his brother in a joint family. His son influenced by other migrant’s family of their locality. His son had to work about 16-20 hours as an electrician in Malaysia without any salary. Even these statements of his son in Malaysia could defeat the horrific stories of the slave trade. For escaping from these works he left that place and tries to cross the Malaysia and Thailand border and police caught him and sentenced the six-month jail. Very recently these police officers of Malaysia demanded 15,000 BDT for the release of his son. They didn’t know how to transfer the money from one place to another. It is interesting to notice that indigenous people are migrating to Malaysia with the false promised of broker to give them well-paid job in Malaysia. The main difference with other case studies with the son of Shaising Mong is these traffickers’ networks are using the new road for the illegal migration through Myanmar with false identity. There is no difference in terms of color and race between the indigenous hilly people of Bangladesh and South East Asian origin. For this reason, it is impossible to separate the indigenous people of Bangladesh from the south East Asian people. Traffickers basically show the case of the neighbors who migrated to Malaysia to convince the victim to go Malaysia.

Case Study 3: Victim’s Father, Age: 55

I went to the bamboo made half broken house of the one of the human trafficking victim’s house of
Abul Kashem after hearing the stories of the thirteen missing young men from the Jangalkhata Union of khonakali, Chakaria. It is a remote village where most of the inhabitants are farmer. Their profession is based on agriculture. Mrkashem cordially gave me the seat in a chair. He looked very depressed and disappointed because of his missing son. Nurul Afsar (16) son of Abul Kashem (55) from Badarkhata, Chakaria was left home on July 2013 without discussing with his family members. Before the departure of his son, one of the local Chakidar named Muzamel discussed the issue with his father to give him the consent. Muzamel is involved in the human trafficking business. He noted “I have consulted with the many baidos and ojja (one type of medicine) in Bangladesh. Most of them assured me that he is alive and he is passing the very tough time in an uncertain place”.

He was speech-less during the conversation in his house about his missing son. Afsar influenced by his friend. During the focus group discussion (FDG), I got the information that in every family of the village there is a member of missing individuals. Did his son face any challenges in terms of money crisis? I asked the question to the victim’s father. “I told my son that please waits for two years. I will arrange the visa of the Saudi Arabia and Libya. But my son didn’t hear the request.” During the conversation, his mother stressed that my son all the time dreams to become the rich because without money people don’t respect others. It is around one and half year he didn’t get the news of his very beloved son. The astonishing findings of my field work are that at least 13 young men from the same village were missed during the journey to Malaysia in traps of human traffickers. They are tired and lost their all of the hope to find their son in the upcoming years. The local member and chairman of the Union Parishad didn’t give any visit to the house of the victim for getting any news of the victim. How did he manage the money? When I asked this question, he replied that we have spent three lakh BDT for our son after departing the country. These brokers collected the money through hundi. Borrowing the loan, selling the paddy they managed the money. Various agents of the brokers from the teknaf took the money in the name of the false promised to give the phone call to his beloved son. At present he passes very difficult days because of debt bondage. People are continuously pressured him for returning their borrowed money. “We are in a very sorry situation; we have lost everything because of our son, it is very unbearable suffering when you lost your son and its seems that we are dying day by day and we don’t show our face to the local because of shame”.

Poverty is the main causes to drive his son to take the decision to migrate Malaysia. During the post trafficking, period the victim’s family didn’t get any financial help from the local administration as well as from the non-governmental organization (NGO). It is very regrettable that local member as well as chairman didn’t visit their home. The police administration took the bribe from them in different phases. These poor people are continuously exploited at home and aboard because of their poor condition. Day by day their daily life is becoming even worse than ever before because of the absence of their beloved son. Their life is even more difficult rather than our imagination. Victim’s father was very furious to the intermediary’s role and he promised to take the revenge of his missing son by attacking the brokers. During our conversation, a young female came with a baby. Kashem introduced her to me that she is the wife of the one of the human trafficking victims. He told me that she is begging door to door because of the absence of her husband. At last, during the ending of our interview he allegedly requests us to do something in terms of monetary help or administrative assistance to normalize the everyday life of their family.

Case Study 1: Return Victim, Age: 22

“I was influenced by one of the fellow namaji (fellows of prayers) of my area who proposed me to give a job in Malaysia without any cost.” That was the testimony of Osman Gani after i asked him why he went to Malaysia through the Bay of Bengal. He is a student of Hasimia Madrasha of Cox’s Bazar district. He told me the untold sufferings he experienced during the route to Malaysia in January 6, 2014. He and one of his friends from cox’s bazar government college agreed with the proposal of the brokers because of their high ambition to build up a better life in the future. I asked him to tell about the journey to Malaysia in brief? In January 6, 2014 around 44 passengers from the different localities of the cox’s bazar were gathered in a gath of Cox’s Bazar in destination to Malaysia. After passing one and half days they reached in the international water of the Bay of

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Bengal.

He saw a big cargo ship was waiting for them. In that ship total numbers of passengers were 271 were 216 male, 45 female and 10 children. During the journey to Malaysia via the Bay of Bengal they promised him that it will take only one or two days to go Malaysia. But in the ship, they stayed for 15 days. During these horrific days at least four or five passengers died due to torture or other reasons. These passengers were tortured by brokers. Admittedly, he emphasized that during the trip they have no cloth to wear, and no food to eat and no water to drink in the ship. Only the children of the ship were got regular meals.

“These guard from the Burma, Thailand was threat us with gun, matches and other sharp weapon when we opposed any of their order in the ships”. After passing twenty days in the water of the Bay of Bengal they reached in the jangle of Thailand. In that place they passed their life in an inhuman condition. With hiring five cars the brokers and the guards picked up the human trafficking victims to reach in the border of Thailand-Malaysia. In these cars, at least 20 people were loaded just like packing of the fish and other goods of Thailand. He told about the story of the Thai police identification of them after staying a week in the Thai-Malaysia border. After arrested by the Thai police, he and his friend Arif were fled off from that place destination to Malaysia. After passing three days they surrendered to the border police of Malaysia and told them as the citizen of Malaysia. During the confession to the police by Osman claimed himself as 17 years old for getting facilities from UNICEF. There was a program for the under 18 undocumented Rohingys in Malaysia run by the UNICEF. The authority of UNICEF sent him to Bangladesh when they identified the identity of Osman by receiving 25,000, BDT from the Osman family.

I asked one question to Osman, why women chose this dangerous path to go Malaysia? According to him Rohingya women are the main target of the trafficker. There are two basic reasons for the irregular migration of women to Malaysia. One is for the purpose of the reunion with their husband and second is for the job in Malaysia as a prostitute, the messenger of the beauty parlor. He told about one of the Rohingya married women who went along with them with her three children to meet with her husband in Malaysia. But during staying in the jangle of Thailand, she failed to pay the migration fee because her guardian refusal. She then decided to flee with the one of the Thai trafficker from the ship and finally she did. At the end, Osman once again dreams to go foreign country if he will get the better chance in the future.

Case study 2: Return Victim, Age: 28

“If I could know about the pain I have experienced during the journey to Malaysia, I would never dear to go there, I didn’t know about these shorts of hassle I have to encounter. They promised me to provide the secured ship with facilities of air condition, Television and regular meals without any delay in service. They further assured us that we will reach the destination to Malaysia very safely as well as within due time. I could never imagine after such a warm assurance, they could give us such a pain!”, Ridwan (25), one of the victims of human trafficking, very emotionally gave the above statement when I asked whether he knew about the human trafficking. After returning from Malaysia he is still bearing the memory of the accident during the construction works in Malaysia. He went to Malaysia by a chain of brokers of teknaf. He used to work in the coastal area of teknaf in the southern border area of Bangladesh.

He first heard the job opportunities in Malaysia through his friend. One of the friends of Ridwan proposed a job in Malaysia during the last year. He had to bear one lakh seventy thousands BDT for the procedure cost of migration. But in reality they demanded the two lakh taka. His family managed the money by borrowing loan from the Mahajan of the village. During the journey to Malaysia he passed 17 days at the Bay of Bengal in an inhuman condition. Initially there were 6 passengers in the boat. In the international water of the Bay of Bengal they moved to a ship contained around 1,600 passengers from the various parts of Bangladesh and there were also 6 Rohingya female passengers in the ship. During these days in the ship the brokers come guard regularly beat them up when they demand any food. They only got one time meal in a day. Due to the lack of water in the ship their fellow passengers drank their own urine during the journey to Malaysia. After passing 16 days they reached in the coast of Thailand and stayed additional 17 days in the jungle of Thailand. From the border area of Myanmar-Thailand, the brokers picked them
up with a black car and after two days of the journey in the bus he reached in the border of Malaysia. After that, the brokers from Malaysia received him and appointed him at the construction site under the broker of one Bengali man in a Chinese farm. After working around 58 days without unpaid in an exploited situation he got injured while working in the construction of a building. He passed the next 10 days in the hospital, but any of the bosses from his construction site didn’t come to the hospital. Finally, the hospital authority called the police and they arrested him and he was punished for the next six months. During that time his poor family in Bangladesh passed a very difficult time in search of him. He called to the number of one of his relatives in the village and requested them to send money to bring him Bangladesh at any cost. At last, his mother begs the money from the door to the door for the returned of her son from Malaysia. She collects the money from the locals and he came to Bangladesh. During my field work he informed me that he is unable to do heavy work above the five kg because of the accident. He is very frustrated and uncertain about the future because of the three and half lakh loan from the local. His family has left nothing except a broken bamboo made house for his extended family. His age old mother is the earning member of the family. He has felt regret for the unbearable suffering of his mother, sister and wife due to his journey to Malaysia. According to the victim, the Bangladeshi illegal migrants are leaving Malaysia to Singapore, Indonesia and Australia. During the conversation with his sister she said that “we cost much more money for my brother and estimated daily mobile cost for my brother was BDT 1000-1500. I asked one question whether he informs his family about the journey to Malaysia. He replied that he went to Malaysia without informing his mother. His mother argued that “due to my child I have become mad”. Does he support anyone to go to Malaysia by illegal means? When I asked the question, he was replied that he would never give the suggestion to anyone to choose this dangerous and risky path to go Malaysia for the livelihood.

Discussion

New classical migration theories are centered on the push and pull mechanism. Respondents shared the presence of various causes and theoretical linkage with migration. Most of the respondents of the Dailpadha village at Ukhia in Cox’s Bazar noted that network theory plays the very prominent role in taking the decision to migrate Malaysia. The Network has a spill over impact over irregular migration. Badsha Mia (65) father of the trafficked victim told that the young generation is the main target of the trafficking networks. On the other hand, one of the women of the same village informed that the available information is the premier factor in the decision making of her husband’s migration to Malaysia. Globalization has enhanced the rate of migration all over the world. Traffickers allured the poverty stricken and illiterate people to agree with their proposal. Everyone irrespective of their age, educational qualifications and economic capabilities knows about the life style of foreign countries through the satellite and news media. Even we cannot ignore the social gossip in the tea stall and other gathering places for the unhindered flow of information. Ridwan (25) one of the unfortunate returned-migrant of the Janglakhata of the Chakaria upzila of Cox’s Bazar narrated that he influenced by the personal network approach of Boyd & Nowak (2012) before going to Malaysia. Samers (2010) revealed that traffickers and smugglers used to take the benefit of the social and business networks in recruiting cheap labor from the third world countries like Bangladesh through deception. The Network is considered a reliable means for the smuggling and trafficking agents in Bangladesh for exploiting the migrants. Saskia Sassen (1988) argues that global cities of the developed countries help to amplify the migrations’ flow from the third world countries. There are prominent discourses in Malaysian society that lower and dangerous jobs are for the illegal migrants. M. J. Piore (1979) argues that developed and industrialist countries follow the dual approaches of the rapid growth in industrial sectors by encouraging the illegal migration. In Malaysia, the smugglers’ agents continuously exploit the migrants by forced labor, slavery and restriction on the movement. The majority of the respondents answered about their decisions making are highly similar to the arguments of the world system theory (Wallerstein, 1974) and network theory.
Conclusion

Human trafficking is indeed a grim conundrum for Bangladesh. Every day hundreds of young and enable working forces of Bangladesh are trying to cross the Bay of Bengal in destination to Malaysia for a better life. Recent political instability has added the new dimension for the fortune seekers of thousands of Bangladeshi youths. During the field work in Cox’s Bazar sadar, Ukia Upzilla of Cox’s Bazar and Rangamati district the multi-dimensional causes of the human trafficking were addressed. In recent days the progress of the economy of Bangladesh has been waned because of the political clashes between the two major political parties (Awame League and Bangladesh Nationalist Party) of the country. Illiteracy is the major causes of the human trafficking. There are other causes like; get rid of poverty, employment opportunities, for better social security, allurement of providing hi-fi job in Malaysia etc. Interestingly majority victims of the human traffickers in the route of Bay of Bengal are from new areas where the proportions of the migration are very low. After failing to get working visa in major migrants receiving countries, they decided to go Malaysia through the risky path of the Bay of Bengal. The core problem of human trafficking from Bangladesh to Malaysia through the maritime route of the Bay of Bengal lies in the ineffectiveness and fragile economic policies of the GOB. First of all, Government has to implement the recent human trafficking related law of 2012 and 2013 for confronting the human trafficking menace in an immediate basis. Second, the government of Bangladesh must prioritize to open the new labor market including the Middle East and others. It is very compulsive for the present government to resolve the current political dispute which is also indirectly related to the human trafficking issue. In addition, the consensus between the opposition party as well as the government party in the issue of migrants’ workers rights is a must because they are the oxygen of the economy of Bangladesh.

References


DENIAL OF THE ROHINGYA GENOCIDE: PROBLEMATIZING DAW AUNG SAN SUU KYI AND THE ‘RULE OF LAW’ IN POSTCOLONIAL MYANMAR

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Abstract

Even as the world condemns it as genocide, the government of the Union of the Republic of Myanmar and democracy icon, Daw Aung San Suu Kyi denied it and refused to accept it as such and mounted a legal defense arguing that what the subsequent response against the attacks as of August 25, 2017 on various police outposts were anchored on the rule of law. This premise is at the center of this paper. What then is the rule of law in Myanmar? What to them was genocide by the standards of the international community? And why do they deny it? These questions are what this paper problematizes. Qualitative in nature, this paper perused pages of transcripts of speeches to find themes, settings and meanings that will be attributed to problematizing Daw Aung San Suu Kyi and the rule of law in the postcolonial Myanmar. And her speeches were delivered in public from 2016-2018. In analyzing her speeches, the paper uses Foucauldian Discourse Analysis. The paper concluded that on the part of Daw Aung San Suu Kyi, we problematized her actions and silence over the Rohingya genocide. Her military father who remains to be her influence and that her continued claims that her father is the father of Burmese military; Her special relations of the military generals during her incarceration in her house arrest; Her drive/focus on democratic transition as per her electoral promise in 2015; Her context of rule of law is only political dynamics; And on the Rule of Law, the study revealed these: The rule of law remains to be purely political narratives because the generals are not held accountable inside the country using the judiciary; It is subsumed under the ongoing legal reforms in Myanmar.

Keywords: (five keywords) Aung San Suu Kyi, Rohingya, crisis, problematizing, Southeast Asia, Myanmar

Introduction

The present realities


(a) The international community, through the United Nations, should use all diplomatic, humanitarian and other peaceful means to assist Myanmar in meeting its responsibility to protect its people from genocide, crimes against humanity and war crimes. It should take collective action in accordance with the United Nations Charter, as necessary;
(b) The Security Council should ensure accountability for crimes under international law committed in Myanmar, preferably by referring the situation to the International Criminal Court or alternatively by creating an ad hoc international criminal tribunal. Further, the Security Council should adopt targeted individual sanctions, including travel bans and asset freezes, against those who appear most responsible for serious crimes under international law. It should also impose an arms embargo on Myanmar;

(c) Until the Security Council acts, the General Assembly, or alternatively the Human Rights Council, should create an independent, impartial mechanism to collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations and abuses and to prepare files to facilitate and expedite fair and independent criminal proceedings in national, regional or international courts or tribunals;

(d) The Human Rights Council should continue to support the mandates of the Special Rapporteur on Myanmar and the High Commissioner for Human Rights, and ensure they have adequate resources to maintain a strong focus on the human rights crisis in Myanmar;

(e) The Human Rights Council should specifically request OHCHR to focus on ensuring accountability for human rights violations and abuses in Myanmar, including by enhanced monitoring, documentation, analysis and public reporting on the human rights situation; raising awareness among civil society and other actors engaged in documenting human rights violations about relevant international standards; working with victim communities to raise awareness about justice options; and supporting comprehensive rule of law and security sector reform in Myanmar in line with international human rights norms and standards. Appropriate resources must be allocated;

(f) The Human Rights Council should establish a second fact-finding mission for a limited period to build on the work undertaken by the Mission, until either one of the mechanisms outlined in (b) or (c) are operational, or the reinforced work of OHCHR set out in (e) is in place;

(g) The United Nations should urgently adopt a common strategy to ensure that all engagement with Myanmar takes into account, and addresses, human rights concerns, in line with the Human Rights Up Front Action Plan. This should guide all UN engagement in Myanmar, particularly in relation to Rakhine State, and include policies and public advocacy stances. All United Nations support to Myanmar authorities should undergo a full Human Rights Due Diligence analysis;

(h) As a matter of urgency, there must be a comprehensive, independent inquiry into the United Nation’s involvement in Myanmar since 2011, with a view to establishing whether everything possible to prevent or mitigate the unfolding crises was done; identifying lessons learned and good practice; making recommendations as appropriate, including on accountability; and enabling more effective work in future;

(i) The United Nations and international community must ensure that the repatriation of refugees and return of internally displaced persons only occurs when safe, voluntary and dignified, with explicit human rights protections in place, including citizenship. In the current circumstances, returns are not possible;

(j) All Member States should ensure that engagement with Myanmar, and support for aid, development and reform projects, take into account and address human rights concerns, and explicitly conform to the principles of non-discrimination and equality. They should ensure that humanitarian organizations working on Myanmar are appropriately funded. States should cease operational support to the Tatmadaw and other security forces until there is (1) demonstrable commitment to genuine reform, (2) international assistance in implementing reform and (3) acceptance of and cooperation with international mechanisms to hold those responsible accountable for crimes under international law;

(k) Regardless of the imposition of an arms embargo by the Security Council, States should not authorize the transfer of arms to Myanmar, considering the overriding risk that they would be used to undermine peace and security and in the commission of serious crimes under international law;
(l) Relevant regional organizations, including the European Union and ASEAN, should develop strategies to ensure accountability for perpetrators of crimes under international law in Myanmar, including through sustained engagement with Myanmar and support for an international justice mechanism;

(m) Member States should exercise jurisdiction to investigate and prosecute alleged perpetrators of serious crimes under international law committed in Myanmar;

(n) The United Nations should establish a trust fund for victim support, through which victims can receive psychosocial support, legal aid, livelihood support, and others means of assistance. All trust fund projects should be designed in consultations with victims.


However, the Myanmar military denied these allegations of genocide against the Rohingya (BBC 2018 ), and accuses Facebook of undermining them after the social media giant removed pages and accounts after the damning UN report of Rohingya genocide was released (Ellis-Petersen 2018 ) (Slodkowski 2018 ) (McLaughlin 2018 ).

While the Myanmar military denied the Rohingya genocide, Daw Aung San Suu Kyi stayed silent about it (Ellis-Petersen and Hogan 2018). Her critics including the UN Human Rights Chief were calling for her resignation over the Rohingya crisis (Smith 2018 ) (Baynes 2018 ).

Following the UN Report on the Rohingya Genocide, Canada also referred to the Rohingya crisis as genocide and accuses Myanmar of committing genocide against the Rohingya people (NYT 2018 ). The US Government sanctioned the Myanmar military over ethnic cleansing and genocide (Mahtani 2018 ).

With this backdrop, the Myanmar military establishment as well as Daw Aung San Suu Kyi, the State Counselor of Myanmar refused to admit guilt or acknowledge genocide against the Rohingya. They opposed1 it and evaded accountability as pressures mounting for the United Nations Security Council to discuss it in its meeting and to refer the case of the Rohingya to the International Criminal Court at The Hague.

At the United Nations, the Third Committee aired their deep distressed by the reports of unarmed Rohingya in Rakhine State being subjected to the unlawful use of force by non-State actors and the excessive use of force by the military and security forces, including extrajudicial killings, rape and other forms of sexual violence, arbitrary detention and the unexplained disappearance of Rohingya civilians in Rakhine State, and by reports of large-scale destruction of homes and systematic evictions in northern Rakhine State, including the use of arson and violence (A/C.3/72/L.48 2017 ).

These are elements of ethnic cleansing and genocide targeting the Rohingya in the northern Rakhine State.

Problem statement, research questions and objectives

Central to the thesis of the study is the stand of Daw Aung San Suu Kyi on the issue of the atrocities against the Rohingya since 2017. Her silence is what drives us to ask: Why won’t she act?

Specifically, the study looks at the corpus commonly used in her speeches and draw an analysis on what could perhaps explains her silence.

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The objective of this study is to problematise certain behaviors of Daw Aung San Suu Kyi and the concept of the ‘rule of law’ in Myanmar which has been widely used to reasoned out government’s actions against the atrocities on the Rohingya.

Literature Review and Theoretical Framework

In spite the atrocities against the Rohingya, Daw Aung San Suu Kyi remains non-committal, refused to comment or issue a statement against the military generals for what has happened on August 25, 2017. It was written that as one member of her inner circle put it: "She will never ever be seen to do what Nambiar tells her to do." Nor will she ever concede that the Rohingya Muslims are being subjected to ethnic cleansing, not even when tens of thousands are being burned from their homes amid widespread reports of killing and sexual violence (Keane 2018).

Discourse has been defined as ‘a group of ideas or patterned way of thinking which can be identified in textual and verbal communications and can also be located in wider social structures’ (Lupton 1992). It is in this manner that speeches become a great source of data because spoken words can be studied to extract meanings that relates to social processes and analyze it in the purview of how language works within power relations. Further, discourse analysis requires a deeply reflexive approach to recognize the rules of formation, and to understand the patterns of power relations, through self-conscious analytical scrutiny (England 1994).

FDA draws its lineage from Critical Discourse Analysis. The CDA is widely used in analyzing speeches of world leaders. CDA provide some approaches to research with the primary aim of uncovering the relationship between language, society, power, ideology, values and opinions (Rahimi and Javad Riasati 2011). In this, discourse played a crucial role in determining the dominant narratives while also acknowledging the marginalized narratives. We better understand this when we go back to the arguments of Michel Foucault in his book Archaeology of Knowledge. He quipped that “I have decided to ignore no form of discontinuity, break, threshold, or limit. I have decided to describe statements in the field of discourse and the relations of which they are capable” (Foucault 1972). However, in his pursuits to study discourse, he also proposed exclusionary mechanisms which pertains to taboos, rituals and privileges of the speaking subject. These forms of prohibition seem fairly straightforward and Foucault does not spend much time in elaborating them, noting merely that where the (intersecting) grid of prohibition is tightest is in the regions of politics and sexuality (Foucault 1981). So, in studying the speeches of Daw Aung San Suu Kyi, we investigate her words under the scalpel of the four hypotheses of Michel Foucault under Archaeology of Knowledge and analyze further her exclusionary mechanism since the issue of the Rohingya genocide lands on the lap of political discourse.

Following Foucault, we must question those ready-made synthesis, those groupings that we normally accept before any examination, those links whose validity is recognized from the outset; we must oust those forms and obscure forces by which we usually link the discourse of one man with that of another; they must be driven out from the darkness in which they reign (Foucault 1972).

And with the discourse found in her publicly delivered speeches, we take every word and sentences at face value. For in Foucault, he quipped: “holds that statements are performances which can be taken at face value regardless of both the possible ambiguity of the sentences used in their formulation (such ambiguous sentences are the subject of commentaries on texts) and the causal factors involved in their utterance (such causal factors are studied hermeneutically, for example in the psychoanalysis of everyday life) (Dreyfus and Rabinow 1983).

Foucault’s theorization of the constitutive and disciplinary properties of discursive practices within socio-political relations of power is a demonstration of the postmodern concern with how language works to not only produce meaning but also particular kinds of objects and subjects upon whom and through which particular relations of power are realized (Luke 1999). It is in this locus that we dissect Aung San Suu Kyi’s speeches to find relations between her objects and the subjects of her narratives, to somehow problematize her position as someone who used to be the darling of the West with a moniker of the “Democracy Icon” of Southeast Asia.
Finally, Foucault said that:

“The quest for the primary designations of language drew out from the silent and innermost heart of words, syllables, and sounds themselves, a dormant representation that formed, as it were, their forgotten soul (which it was necessary to bring back to light, to make speak and sing once more, in order to attain a greater exactitude of thought, a more miraculous power of poetry); in a similar way, for modern thought, the inert density of the unthought is always inhabited in a certain manner by a cogito, and this thought, dormant within what is not thought, must be brought to life again and stretched out in the sovereignty of the ‘I think’” (Foucault 1989)

One crucial presupposition of adequate critical discourse analysis is understanding the nature of social power and dominance. Once we have such an insight, we may begin to formulate ideas about how discourse contributes to their reproduction (van Dijk 1993).

Methodology

This is one of the central theses of this paper. This is why we intend to problematize her actions and her refusal to tackle the issue using the Foucauldian Discourse Analysis (FDA), looking at her speeches delivered at the Nay Pyi Taw and other public fora including the Keynote address on Development Effectiveness Roundtable, Speech on the National Reconciliation and Peace, Speech on Democratic Transition in Myanmar: Challenges and the Way Forward, her Adress before His Holiness, Pope Francis in Myanmar as delivered at the Myanmar International Convention Center, her Message on the Union Peace Conference 21st Century Panglong, Speech on the commemorative ceremony of the 50th ASEAN anniversary, her Report to the People, and her Speech at the 71st United Nations General Assembly in New York.

The study limits only to her public speeches in analyzing meaning using FDA and take only those spoken by Daw Aung San Suu Kyi from 2016-2018, respectively. The speeches were sourced from the official website of the State Counselor of Myanmar at www.statecounsellor.gov.mm.

Foucauldian Discourse Analysis (FDA) evolved from Critical Discourse Analysis as commonly used in analysis of spoken and written speeches of various leaders and their situations. It will be employed to gather meanings from words as spoken by Daw Aung San Suu Kyi in her public engagements inside Myanmar and within ASEAN and the United Nations.

We intend to peruse the speeches of Daw Aung San Suu Kyi for relations between discourse, power, dominance, social inequality and positioning. In this paper, we approach these realities by focusing on the role of discourse in the production or challenge of dominance (van Dijk 1993). Dominance, continued van Dijk, is defined as the exercise of social power by elites, institutions or groups, that results in social inequality, including political, cultural, class, ethnic, racial and gender inequality (Ibid pg 250).

Result, Analysis and Findings

The following are the speeches under review in this paper.

Sample 1 is the speech given by Daw Aung San Suu Kyi on September 17, 2017 delivered publicly during the National Reconciliation and Peace at Nay Pyi Taw, in Myanmar;
Sample 2 is the speech given by Daw Aung San Suu Kyi on September 21, 2016 delivered publicly during the 71st United Nations General Assembly in New York, USA;
Sample 3 is the speech given by Daw Aung San Suu Kyi on November 28, 2017 delivered publicly upon the Apostolic Visit of His Holiness Pope Francis to Myanmar, in the Myanmar International Convention Center;
Sample 4 is the speech given by Daw Aung San Suu Kyi on August 23, 2018 delivered publicly on the 43rd Singapore Lecture in Singapore;
Sample 5 is the speech given by Daw Aung San Suu Kyi on February 26, 2018 delivered publicly at Nay Pyi Taw, in Myanmar on the Development Effectiveness Roundtable;
Sample 6 is the speech given by Daw Aung San Suu Kyi on January 27, 2018 delivered publicly at the Union Peace Conference 21st Century Panglong;
Sample 7 is the speech given by Daw Aung San Suu Kyi on August 14, 2017 on the Golden Anniversary of the ASEAN at Nay Pyi Taw, Myanmar;
Sample 8 is the speech given by Daw Aung San Suu Kyi on October 12, 2017 as her Report to the People, at Nay Pyi Taw, Myanmar.

In the succeeding table, statistical data are presented per speech samples as generated from the MS Word processor.

<table>
<thead>
<tr>
<th>Statistical Items</th>
<th>Sample 1</th>
<th>Sample 2</th>
<th>Sample 3</th>
<th>Sample 4</th>
<th>Sample 5</th>
<th>Sample 6</th>
<th>Sample 7</th>
<th>Sample 8</th>
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<td>241</td>
<td>146</td>
<td>92</td>
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</table>

Part of the analysis of the speeches is also the statistical attributes that are found in each speech sample. Over the span of 3 years, from 2016-2018, on average, Daw Aung San Suu Kyi speak on at least 3.25 pages of prepared narratives.

For Sample 1, hereunder are the corpora.

<table>
<thead>
<tr>
<th>Top Words</th>
<th>Number of times found in the speech</th>
<th>Versus</th>
<th>Bottom Words</th>
<th>Number of times found in the speech</th>
</tr>
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<tr>
<td>Peace</td>
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<tr>
<td>Development</td>
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<td>Refugees</td>
<td>4</td>
<td></td>
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<tr>
<td>Rakhine</td>
<td>14</td>
<td>Democracy</td>
<td>3</td>
<td></td>
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<td>Myanmar</td>
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<td>Democratic</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Muslim/s</td>
<td>10</td>
<td>Rule of Law</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Conflict</td>
<td>9</td>
<td>Right</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Stability</td>
<td>7</td>
<td>Clearance Operations</td>
<td>2</td>
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<td></td>
<td></td>
<td>Justice</td>
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<tr>
<td></td>
<td></td>
<td>Armed Groups</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Terrorist Groups</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Armed clashes</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

The top seven most commonly found words in her speech in the National Reconciliation and Peace refers to mostly the “desirables” she envisions Myanmar shall hereafter will achieve after the exodus of the Rohingya on August 26, 2017 to Cox’s Bazar in Bangladesh. She repeteadly speak of ‘peace’ in a string of words such as in “peace and stability”; and in more strings of words such as in “democratic transition, peace and stability and development”. The same goes for “development” and refusing to call the Rohingya, Rohingya, she mentioned them as “Muslim/Muslims” 11 times in her speech. The same manner that she referred to the northern Rakhine State (nRS) as “Rakhine” to subsume the entire swath of land that includes the Buddhist-majority southern Rakhine State, mindful that the international community, as of 2017, is looking at the atrocities that has happened in the northern Rakhine State in particular.

In this speech, she mentioned “rule of law” only three times. She used it to commit her government “to the restoration of peace, stability and rule of law, throughout the State”. State in this
Denial of the Rohingya Genocide: Problematizing Daw Aung San Suu Kyi and the ‘Rule of Law’ in Postcolonial Myanmar

statement, in her discourse refers to the northern Rakhine State (nRS) which she aptly referred to as the “Rakhine”, providing a wrong representation of the state because there were no “clearance operations” ever undertaken in the “southern Rakhine State”, only in the “northern Rakhine State” where most of the Rohingya population settles.

“Clearance Operations” as a reference to the response of the Myanmar Tatmadaw on the Rohingya population following the August 25, 2017 attacks on thirty police outposts, was mentioned only twice. This, to my analysis, was intentional.

Daw Aung San Suu Kyi framed her discourse to shield the Myanmar Tatmadaw and the ranking military officials in her country by narrowly referring in her speech, “clearance operations”, in the same vein as she refused to refer to the Rohingya on their ethnic group’s name but rather as “Muslim or Muslims”.

On sample 2, hereunder are the corpora.

<table>
<thead>
<tr>
<th>Top Words</th>
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<th>Versus</th>
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<th>Number of times found in the speech</th>
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<td></td>
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<td>Development</td>
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<td></td>
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<td></td>
<td>Stability</td>
<td>3</td>
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<td></td>
<td></td>
<td></td>
<td>Migration</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Extremism</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Corruption</td>
<td>3</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Right</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Fear</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Hatred</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Human rights</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Citizenship</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rule of Law</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ignorance</td>
<td>1</td>
</tr>
</tbody>
</table>

This speech is Daw Aung San Su Kyi’s United Nations General Assembly first address after her party’s National League for Democracy won an impressive win in parliamentary elections in 2015.

She repeatedly used ‘peace’ at 10 times, ‘development’ at 9 times and followed by Myanmar at 5 times. in her UNGA speech, it can be inferred that she was appealing to another international audience which listens to her ‘promising democracy’ discourse position over ‘rule of law’, ‘human rights’, and “citizenship” when it pertains to the Rohingya issue.

It is noteworthy to also understand that in this speech, there were no massive atrocities against the Rohingya groups by the Tatmadaw as the unfortunate events would have to happen on October 6, 2016, roughly 18 days after she delivered this address.

Sample 3, hereunder are the corpora.

<table>
<thead>
<tr>
<th>Top Words</th>
<th>Number of times found in the speech</th>
<th>Versus</th>
<th>Bottom Words</th>
<th>Number of times found in the speech</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peace</td>
<td>7</td>
<td></td>
<td>Independence</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Myanmar</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>National</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reconciliation</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Founded</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>on Laws</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rights</td>
<td>1</td>
</tr>
</tbody>
</table>
This Address was before His Holiness Pope Francis and understandably, Daw Aung San Suu Kyi’s repeated word is “peace” for seven times throughout her brief speech.

On the other hand, she also used “independence” twice and “Myanmar” twice in her speech. This visit of Pope Francis happened on November 28, 2017, roughly around three months after the exodus of the Rohingya to Bangladesh after clearance operations were implemented by the Tatmadaw. Anticipating perhaps a statement by His Holiness the Pope, echoing international criticism on Myanmar on its handling of the human disaster, she subtly reminded her audience and the officials of the Holy See that indeed, Myanmar is an independent state, which will not be interfered.

“Founded on Laws” which we supposed to refer to “rule of law” was used only once in her address, along with the reference of “Rakhine” uttered only once, “rights” and “development”.

On Sample 4, hereunder are the corpora:

<table>
<thead>
<tr>
<th>Top Words</th>
<th>Number of times found in the speech</th>
<th>Versus</th>
<th>Bottom Words</th>
<th>Number of times found in the speech</th>
</tr>
</thead>
<tbody>
<tr>
<td>Myanmar</td>
<td>22</td>
<td>Bangladesh</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Transition</td>
<td>16</td>
<td>Rule of Law</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Peace</td>
<td>13</td>
<td>Dictatorship</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Rakhine</td>
<td>12</td>
<td>Freedom</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>ASEAN</td>
<td>9</td>
<td>National Reconciliation</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Democracy</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democratic</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transition</td>
<td>5</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Her speech before her audience at the Grand Hyatt Singapore is her 43rd Singapore Lecture as sponsored by the ISEAS. Her audience are mostly businesspeople, enterprise leaders, global leaders, government officials and economists.

For this speech, she pitched “Myanmar” for twenty-two times while maintaining “transition” by sixteen times. She also used the word “peace” for thirteen times, ASEAN for nine times, “democracy” for seven times.

Her direct discourse reference on the Tatmadaw and its dictatorship registered only the use of the word “dictatorship” twice while using the word “rule of law” for three times.

On Sample 5, hereunder are the corpora:

<table>
<thead>
<tr>
<th>Top Words</th>
<th>Number of times found in the speech</th>
<th>Versus</th>
<th>Bottom Words</th>
<th>Number of times found in the speech</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development</td>
<td>22</td>
<td>Rakhine</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Myanmar</td>
<td>15</td>
<td>Peace</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>International community</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>National Reconciliation</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

This speech is addressed to an audience of businesspeople in Myanmar.

In this speech, she used “development” twenty-two times and “Myanmar” for fifteen times. She was pitching development effectiveness in this roundtable with key industry leaders and businessmen.
Denial of the Rohingya Genocide: Problematising Daw Aung San Suu Kyi and the ‘Rule of Law’ in Postcolonial Myanmar

She discussed on the issued which has unfolded in “Rakhine” by using the word for four times, batted for “peace” for three times, “international community” for three times and “national reconciliation” for two times.

On sample 6, hereunder are the corpora.

<table>
<thead>
<tr>
<th>Top Words</th>
<th>Number of times found in the speech</th>
<th>Versus</th>
<th>Bottom Words</th>
<th>Number of times found in the speech</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peace</td>
<td>13</td>
<td>Myanmar</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>People</td>
<td>11</td>
<td>Conflict</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Union</td>
<td>10</td>
<td>Potential</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>5</td>
<td>Development</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Federalism</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nation</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>National reconciliation</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

This speech was delivered by Daw Aung San Suu Kyi on the Union Peace Conference- 21st Century Panglong attended by representatives of the government, members of Parliament, the Armed Forces, ethnic armed groups, political parties and civil society organizations.

Again, “peace” is repeated 13 times throughout her speech and “people” for eleven times, which refers to majority and minority ethnic groups in Myanmar, with the exception of the Rohingya. “Union” which refers to Myanmar’s republic was used ten times and country, which refers again to Myanmar was used five times.

It is noteworthy to observe too that national reconciliation was only used once so with “democratic”, “federalism”, “nation” and “development”. She however cited “conflict” three times in this speech.

On sample 7, hereunder are the corpora:

<table>
<thead>
<tr>
<th>Top Words</th>
<th>Number of times found in the speech</th>
<th>Versus</th>
<th>Bottom Words</th>
<th>Number of times found in the speech</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASEAN</td>
<td>42</td>
<td>Rule-based</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Community</td>
<td>9</td>
<td>interest</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Development</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Diversity</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Myanmar</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non-interference</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cooperation</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Trust</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dialogue</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

This speech was delivered at Nay Pyi Taw on the golden commemorative ceremony marking the 50th Anniversary of ASEAN.

She appeared to her audience in this speech without much concern on the Rohingya since the latest atrocities done unto them happened a year earlier. This was delivered 11 days prior to the attacks at the police outposts in the northern Rakhine State and more than 11 days prior to the clearing operations done by the Tatmadaw against the Rohingya.

“ASEAN” was used forty-two times and community was used nine times. She was affectionately referring to the historic past of the ASEAN as a community and placed her narratives of its future as a close-knit community of nations.

Subtly again, she mentioned “non-interference”, “trust”, dialogue” and “cooperation” once while “rule-based” which is related to “rule of law” argument was used twice.

On sample 8, hereunder are the corpora:
This speech by Daw Aung San Suu Kyi was delivered as her Report to the People months after the exodus of the Rohingya towards Bangladesh.

She used the word “people” eleven times and mentioned “Rakhine” seven times while “development” was used five times along with “Bangladesh” for five times.

She mentioned “peace” for four times, “resettlement” for four times, “unity” for three times, “rehabilitation” twice and “repatriation” once and “international community” once.

It is noteworthy that in all her speeches, we didn’t find “Rohingya” but Muslim/s and we didn’t find northern Rakhine State but “Rakhine State” instead. We found “rule of law” used only ten times across all eight speeches.

We shall, henceforth, analyze the discourse using the four-hypothesis test of Michel Foucault.

1st Hypothesis – Statements different in form, and dispersed in time, form a group if they refer to one and the same object;

Under this hypothesis, we come up with a group we infer hereinafter as themes. These are avoidance, excuse, resolved, acknowledgment and rejecting international pressures.

Under avoidance theme, the discourse revealed in this passage of her speech at the Union Peace Conference- 21st Century Panglong, we quote:

“We will not resort to exerting pressure through populist politics, or coercing others through political means to achieve our goals” (Suu Kyi 2017). Though not directly attributed to the August 2017 exodus of the Rohingya as a result of the ‘clearing operations’ of the Tatmadaw against them, this refers to efforts of her government to sustain national reconciliation among ethnic groups, however, excluding the Rohingya.

Resting under the umbrella of the ASEAN, she avoided the issue of the Rohingya atrocities including ethnic cleansing and genocide by citing:

“ASEAN provides a model for peaceful borders, and wider regional harmony. ASEAN’s recipe for success is consultation and more consultation until consensus is reached and cooperation

<table>
<thead>
<tr>
<th>Top Words</th>
<th>Number of times found in the speech</th>
<th>Versus</th>
<th>Bottom Words</th>
<th>Number of times found in the speech</th>
</tr>
</thead>
<tbody>
<tr>
<td>People</td>
<td>11</td>
<td>Peace</td>
<td>Peace</td>
<td>4</td>
</tr>
<tr>
<td>Rakhine</td>
<td>7</td>
<td>Resettlement</td>
<td>Unity</td>
<td>4</td>
</tr>
<tr>
<td>Development</td>
<td>5</td>
<td>Unity</td>
<td>Rehabilitation</td>
<td>3</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>5</td>
<td>Rehabilitation</td>
<td>Repatriation</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Number the corpus “rule of law” used</th>
<th>Sample</th>
<th>Alternative corpus used</th>
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</tr>
<tr>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>3</td>
<td>“Founded on Laws”</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
<td></td>
</tr>
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<td></td>
<td>5</td>
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<tr>
<td></td>
<td>6</td>
<td></td>
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<tr>
<td>2</td>
<td>7</td>
<td>“rule-based”</td>
</tr>
<tr>
<td>1</td>
<td>8</td>
<td></td>
</tr>
</tbody>
</table>

Total corpus “rule of law” used | Total corpora in all eight (8) speeches |
--- | --- |
10 | 14,910 |
made possible” (Suu Kyi, Speech 2017 ). Here, this passage infer to the October 2016 atrocities which resulted to the dispersal of the Rohingya to Bangladesh after ‘clearing operations’ were done by the Tatmadaw.

She also said that “since 5 September, there have been no armed clashes and there have been no clearance operations” (Suu Kyi, Speeches 2017 ). Clearance operations are being undertaken by the Tatmadaw and a steady of exodus of Rohingya towards Bangladesh even past this date will attest otherwise.

Under excuse theme, she said and we quote:

“I think it is only fitting that I should remind you today that our government has not yet been in power for even eighteen months. It will be eighteen months at the end of this month. Eighteen months is a very short time in which to expect us to meet and overcome all of the challenges that have been expected to do” (Suu Kyi, Speeches 2017 ).

Through this passage in her speech, it was an apparent excuse in response to the growing international pressure that demands her to do more for the Rohingya issue and the atrocities used against them. She has laid down the premise that she can’t address the issue of the Rohingya exactly because her government has just been in office for barely eighteen months, that she can not be dispose of to respond to the challenge by condemning the Tatmadaw for its crimes against the Rohingya.

Under resolved theme, we found important passages in her speeches.

Speaking before the 71st United Nations General Assembly the Rohingya on September 21, 2016, Daw Aung San Suu Kyi said:

“Over the last few years, the world has focused its attention on the situation in the Rakhine State of the country. As a responsible member of the community of nations, we do not fear international scrutiny” (Suu Kyi, Speeches 2016).

In assuaging international condemnation against Myanmar by international NGOs, key influential people, from Nobel Peace Laureates to the UN officials led by the former UN Human Rights Council chief and the UN Special Rapporteur on Myanmar, Ms. Yanghee Lee, she spoke that “as part of our Government’s commitment to finding lasting stability and harmony, and supporting broad-based, inclusive socio-economic development in Rakhine State, and indeed, throughout the nation, we have established the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine State, the Rakhine Advisory Commission Implementation Committee and the Rakhine Advisory Board.” (Suu Kyi, Speeches 2018 ). This was what she said addressing business leaders and industry leaders during the Development Effectiveness Roundtable held on February 26, 2018 in Nay Pyi Taw.

In her most recent speaking engagement in Singapore, she said that:

“Addressing destabilizing issues in Rakhine State was a fundamental part of building our Pillar 1. Within two months of taking on the responsibilities of government, we have established the Central Committee for Rule of Law and Development in Rakhine and soon after, we approached Dr. Kofi Annan, former Secretary General of the United Nations, to head an Advisory Commission that would help us to find lasting solutions to the problems that were jeopardizing peace and progress in a region so bountifully blessed by nature” (Suu Kyi, Speeches 2018 ).

And;

“On their recommendation, an Independent Commission of Enquiry, led by Ambassador Rosario Manalo, an eminent diplomat from ASEAN, has been established. The Commission met for the first time in Nay Pyi Taw on 15 August and will be commencing their work next week” (Suu Kyi, Speeches 2018 ).

These statements were in anticipation of the passage and voting of the draft UN Resolution recommending endorsement by the United Nations Security Council of Myanmar to the jurisdiction of the International Criminal Court (ICC).

Under acknowledgement theme, Daw Aung San Suu Kyi said:

“Of the many challenges that our government has been facing, the situation in the Rakhine has most strongly captured the attention of the world” (Suu Kyi, Speeches 2017). This acknowledgment that the issue of the atrocities against the Rohingya has reached the international radar and scale was at the central of her address to visiting Pope Francis in Nay Pyi Taw. She also acknowledged that the compassion and encouragement that His Holiness Pope Francis left in his
message at the Fiftieth World Day of Peace on January 1, 2017 has been treasured and taken into heart.

Under rejection of international pressure theme, Daw Aung San Suu Kyi said:

“There has been a lot of criticism against our country. We need to understand international opinion. However, just as no one can fully understand the situation of our country the way we do, no one can desire peace and development for our country than us. That is why we need to tackle these problems based on the strength of our unity” (Suu Kyi, Speeches 2017).

This passage was spoken after the world have seen the traumatized Rohingya as they walked towards to border between Myanmar and Bangladesh, in hordes, leaving the dead and bringing with them the stories of survival and pain.

This passage in her Report to the People speech has made her detached to the realities of the Rohingya, calculating and cruel. It should her continued denial of the crimes against the Rohingya to have existed, crimes such as rape, arson, ethnic cleansing, and genocide.

2nd Hypothesis – Form and Type of connexion;

For this hypothesis, Foucault was talking about his attempts at studying descriptions as a form and type of connection in the study of nineteenth century medical science. He rested in his analysis that medicine was organized in a series of descriptions.

He said.

“I had to abandon this hypothesis at the outset and recognize that clinical discourse was just as much a group of hypothesis about life and death, of ethical choices, of therapeutic decisions, of institutional regulations, of teaching models, as a group of descriptions; that the descriptions could not, in any case, be abstracted from the hypotheses, and that the descriptive statement was only one of the formulations present in medical discourse” (Foucault 1972).

Following his stand on descriptive statements and culling out from series of form and type of statements, we have chosen the form of ethical choices in analyzing the discourse presented to the public by Daw Aung San Suu Kyi. Through it, we elevate the analysis by asking more questions, for now and future research endeavors in this area.

It is because the person asking the questions is merely exercising the right that has been given him; to remain unconvincing, to perceive a contradiction, to require more information, to emphasize different postulates, to point out faulty reasoning, and so on (Foucault 1997). This was what Foucault replied when interviewed by Paul Rabinow. He continued that on the part of the one answering the questions raised, “as for the person answering the questions, he too exercise a right that does not go beyond the discussion itself; by the logic of his own discourse, he is tied tow hat he has said earlier, and by the acceptance of dialogue he is tied to the questioning of the other” (Ibid pg. 111).

In sample 1, Daw Aung San Suu Kyi said “This does not mean that we are not ready to go on with our task of overcoming these challenges. Because I believe in the community of nations, I am prepared to share with all our friends who wish us well and who understand our problems and sympathize with us, what we have been doing to achieve democratic transition, peace and stability, and development.”

In this description, she has an ethical choice of inclusively including the Rohingya and she and her party, the NLD plotted to spur the country towards full democratic transition but she did not. Why did she leave the Rohingya in her narratives of democratic transition towards peace, stability and development in all of Myanmar?

Why did she not bat for the amendment of the 1982 citizenship law that stripped the Rohingya of their birthright in Myanmar? This is very much part of the amendment the world wanted to see in Myanmar, not only its questionable 2008 Constitution.

Why did she not recognize the Rohingya by their name and historicity? Because doing so will augur meaningful national reconciliation and peace as well as unity in the country.

In sample 2, Daw Aung San Suu Kyi have said “The people of Myanmar have long been deprived of their inherent right to live in peace and security, to fundamental freedom and to development, in the context of our 2030 goals, sustainable development.”

Are the Rohingya not part of the people of Myanmar? Those who were apparently deprived of their right to a name and a nationality after 1982 citizenship law? Is it not their inherent right to live in peace and security too?
Why did she not include the Rohingya in her appeal to the United Nations about her own people being deprived of fundamental freedom and development?

In sample 3, Daw Aung San Suu Kyi have said, in front of Pope Francis: “This is also a programme and a challenge for political and religious leaders, the heads of international institutions and business and media executives: to apply the Beatitudes in the exercise of their respective responsibilities.”

It was in the same Address that she defined what beatitudes mean.

To continue with her Address, she said to the Pope: “Jesus himself offers a “manual” for this strategy of peacemaking in the Sermon on the Mount. The eight Beatitudes (cf Mt. 5:3-10) provide a portrait of the person we could describe as blessed, good and authentic. Blessed are the meek, Jesus tells us, the merciful and the peacemakers, those who are pure in heart, and those who hunger and thirst for justice.”

Did she, in her Address, intently leave the Rohingya and the atrocities they faced as a narrative devoid of meaning in the passage she mentioned to the Pope? Who are, in Myanmar, more in hunger and in thirst for justice? Is it not the Rohingya above anybody else?

Who needs peacekeeping in Myanmar? Is it not the Rohingya communities, after a crackdown and clearance operations done by the Tatmadaw?

Who needs to exercise beatitudes the most? Is she not, as the leader of the Union of the Republic of Myanmar?

In sample 4, Daw Aung San Suu Kyi have said: “When I speak of democratic transition, I mean a democratic way towards a democratic goal, following a path laid down in accordance with the wishes of the people and maintained with their consent and cooperation”.

Is it the desire of the majority to deprive the Rohingya their birthright? Was it their qualified wish to deprive the Rohingya of their freedom and democratic way of life?

Is it not despotic to deprive the Rohingya these basic freedoms and right?

In sample 5, Daw Aung San Suu Kyi said: “the second and thirs on the list of tasks for the DACU are the identification of priorities for development assistance, and the organization of a new set of refreshed sector and thematic coordination groups.”

She heads the Development Assistance Coordination Unit of the government.

Why has there been no tangible development assistance extended to the Rohingya communities in the northern Rakhine State?

Why were they left out of development?

In sample 6, Daw Aung San Suu Kyi said: “As we negotiate to reach common agreements on issues where our views differ, we must recognize that courtesy is not weakness, negotiation not concession. Honesty, trust, awareness, and wisdom are necessary for negotiations to succeed.”

Why does her government did not negotiate to end the atrocities against the Rohingya? Why is the civilian government not openly and truthfully asking the Tatmadaw to stop the atrocities and encourage accountability to be imposed?

Why did she remain silent than engaging on the realities of the Rohingya genocide?

In sample 7, she said that “ASEAN is now entering a wider area of regional integration as new and diverse challenges to sustainable development emerge: poverty, rising inequalities within and among Member States, terrorism based on religious ideology, natural resource depletion. We must meet these challenges together, developing further our capacity for united endeavor.”

In this, why did she not address the high poverty levels in the northern Rakhine State? Why did her government not able to negotiate with the Rohingya to help them, not drive them away, from their homes?

Why did her government not embrace the Rohingya as an ethnic group in Myanmar so as to discourage the recruitment of ISIS in the poverty-stricken, neglected northern Rakhine State?

In sample 8, she said: “we are now negotiating with the Government of Bangladesh on the matter of accepting those who are now in Bangladesh.”

Did she mean that the Rohingya in Cox’s Bazar will not be able to return to their homes in the northern Rakhine State?

Did she just officially give away the Rohingya over to Bangladesh?

3rd Hypothesis – Not possible to establish groups of statements, by determining the system of permanent and coherent concepts involve;
In this, we seek to analyze her speeches in the interplay of their appearances and dispersion (Foucault 1989).

The discontinuity in all these eight speeches manifested on her selected occasion and audience. As observed, she skipped directly mentioning Rohingya and the genocide.

4th Hypothesis – describes their interconnexion and account for the unitary forms under which they are presented: the identity and persistence of themes.

In all her speeches, the forms remain to be strictly formal and uptight. Her revolving themes focus on peace and development and in promoting Myanmar which is understandable in the light of her title of State Counsellor but she was not able to rally strong response against the military officials on the way the Rohingya were treated after August 25, 2017.

**Myanmar’s Rule of Law**

Like any civilized nations on earth, Myanmar is a rules-based society, whatever its design or mechanism is – in civilian or military contexts. A study of the rule of law in Myanmar brings us back to the history of Burma at the height of the incarceration of Aung San Suu Kyi, then a prominent opposition leader.

The government of Myanmar has responded to worldwide dismay over the May 2009 criminal trial of democracy icon Daw Aung San Suu Kyi for allegedly violating the terms of her house arrest by characterizing it as a simple and unavoidable matter of law. State-run media outlets have rebutted arguments that the charges are baseless, erroneous and politically motivated. The Ministry of Foreign Affairs responded to criticism from the United Nations Security Council by saying that the case would “not have any political impact” and that it was being “considered and carried out as the task [sic] relating to the rule of law (Cheesman 2010).

In this, Aung San Suu Kyi was being criminally indicted using the “rule of law” which is the same “rule of law” her government is borrowing as narratives against international pressures as a result of the Rohingya genocide.

Aung San Suu Kyi and the ‘rule of law’ has a symbiotic relationship, at her time of house arrest and now, as the State Counsellor of the Union.

But what does the “rule of law” mean?

The answer is important, because if Suu Kyi cannot articulate, communicate and get general agreement on what the “rule of law” means to the Burmese people, it threatens to become just a political slogan rather than a tangible goal towards which objective progress can be measured (Bloom 2012).

Efforts to strengthen social, economic and civil rights within the country further require policies and actions that educate people about their rights and furnish practical assistance to anyone whose rights have been breached. This should be accompanied by the revision or repeal of criminal statutes and decrees that have in the past validated repressive activity by the state, and a review of prison conditions and detentions to complement the amnesty process begun by President Thein Sein in May 2011. Steps should also be taken to broaden the country's narrow definitions of citizenship, which currently operate to deny at least 800,000 members of the Rohingya community and an unknown number of other people equal protection under statutory law and the 2008 Constitution (IBA 2012).

Going back to its origins, what most laws in Myanmar today are importations from Great Britain and India as they were a colony for so many years.

On January 1, 1886, Myanmar became one of the provinces of British India. The statutory laws, which were designed in the English common law model for use in India, were extended to Myanmar (then known as Burma) as well. These statutory laws included the Contract Act, the Negotiable Instruments Act, the Sale of Goods Act, the Companies Act, the Arbitration Act, and the Civil and Criminal Procedure Codes. The Indian Penal Code, drafted and adopted in 1860, was also imported from India. By the early 1920s, when judicial administration had become well organized in the country, the wholesale adoption of codes made for India on British common law principles was just about completed. However, Myanmar has enacted numerous laws amending pre-independence laws, such as the Code of Civil Procedure (Amendment) Act in 1956, the Criminal Law Amending Law in 1963, the Code of Criminal Procedure Amending Law in 1973, the Law Amending the
Denial of the Rohingya Genocide: Problematizing Daw Aung San Suu Kyi and the ‘Rule of Law’ in Postcolonial Myanmar


In the study of the ‘rule of law’ in Myanmar, one has to go back in 2012 when the Constitutional Tribunal’s nine judges ‘voluntarily’ resigned after impeachment proceedings against them prospered. While it was hailed a triumph of parliamentary democracy, it has also impinged on the judicial independence of the Constitutional Tribunal.

The resignation of the members of the Constitutional Tribunal on 6 September 2012 went back to a decision issued by the Tribunal on 28 March 2012 in the case President of the Union v. Pyidaungsu Hluttaw, et al., which was only the fourth decision since the establishment of the Tribunal in February 2011. On 2 February 2012, the Attorney General of the Union had submitted Submission No. 1/2012 to the Constitutional Tribunal on behalf of the President, asking the Tribunal to resolve the issue of whether the committees, commissions and bodies formed by the Pyidaungsu Hluttaw, the Pyithu Hluttaw, and the Amyotha Hluttaw could be defined as Union level organizations. The Tribunal decided that the bodies formed by each Hluttaw were not Union level organizations (Marti 2015).

Fast forward to 2018, the international community’s shock at violations of international law in Myanmar, evidenced by the exodus of hundreds of thousands of Rohingya into Bangladesh and the plight of thousands more displaced people in the Shan and Kachin States, overlooks a crucial national failing in prevention: Myanmar’s legal system is unable to prevent human rights abuses or hold violators accountable. The result is a culture of impunity in which the State, in this case the military and those close to it, rule by law (Aguirre 2018).

Without the rule of law and human rights, upheld by an independent national legal system capable of balancing the power of the executive and military, there can be no safe return for displaced people. Recent government promises to assist returnees to access justice are therefore hollow (Ibid).

This is the reality that even Aung San Suu Kyi has to rally her people to institutionalized. Daw Aung San Suu Kyi said for the justice system to be strong, courts must be firm, particularly when tackling graft, as corrupt elements tend to take advantage of law for personal gain, while unbiased legal services remain a challenge in this country (Lin 2018). “If you keep very beautiful laws confined to the books and do not apply them in a way that would benefit the public, then we can’t say there is rule of law,” said the State Counsellor (Ibid).

Discussion

Problematizing Daw Aung San Suu Kyi and the Rule of Law

In our effort to better understand the issues surrounding the response of Myanmar of the accusations of genocide against the Rohingya, we will dwell on problematizing her as the defector leader of the government as well as the principle of the rule of law in Myanmar.

First, the notion of the rule of law is perhaps the most powerful and often repeated political ideal in contemporary global discourse. Everyone, it seems, is for the rule of law. The rule of law is a major source of legitimation for governments in the modern world. A government that abides by the rule of law is seen as good and worthy of respect. In recent decades, billions of dollars have been spent by the World Bank and other development agencies on developing the rule of law around the world—with limited success (Tamanaha 2012).

Second, that it is a principle that is elusive.

Quite a direct descendant, the rule of law in Myanmar as well as majority of the world’s nations, emanated from the Magna Carta of 1215, signed by England’s King John, specifically under article 39, viz:

“No freemen shall be taken or imprisoned or disseised or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or by the law of the land.”

Aptly stated, a rule of law is enshrined to govern the governed, to set limits to what is under the aegis of a rules-based society and what is not.
A rule of law is very difficult to maintain in any nation, if the citizens do not follow the rule of law adopted.

The American Bar Association suggested that a ‘rule of law’ cannot ever be entirely separate from the people who make up our government and our society. The rule of law is more of an ideal that we strive to achieve, but sometimes fail to live up to.

In the case of Myanmar, is the rule of law followed by its citizens, from ordinary folks from all walks of life to the military generals, who for many decades ruled Myanmar and its citizens under a military dictatorship?

According to the 2011 Rule of Law Handbook of the United States Army, a rule of law (ROL) used the description of Dr. Richard Fallon in which it cited in toto (Cole 2011):

“First the ROL should protect against anarchy and the Hobbesian war of all against all. Second, the ROL should allow people to plan their affairs with reasonable confidence that they can know in advance the legal consequences of various actions. Third, the ROL should guarantee against at least some types of official arbitrariness.

Demands for the rule of law in response to violence in Myanmar’s west correspond with this usage. Whereas in established democracies the rule of law as equality complements the rule of law as security, in a democratizing state the two are not necessarily compatible. The rule of law as an idea associated with substantive legal equality contributes to Myanmar’s democratization, whereas when associated with public and state security it potentially undermines that democratization (Cheesman 2014).

As for Daw Aung San Suu Kyi, her narratives today is linked to her past, in her childhood years surrounded by military generals who are loyal to his late father, Aung San, the prominent father of the Burmese military.

Born in 1945 in Rangoon, Burma. Aung San Suu Kyi spent her early years in Burma. She was just two years old when, on July 19, 1947, armed men burst in on a meeting convened to oversee Burma’s transition to independence and killed her father and eight others. Growing up in the shadow of her father’s legend, she was largely shielded from the turmoil of the post-independence years. At the Methodist English High School, in Rangoon, she took classes in morality and geography. Sao Haymar Thaike, a childhood friend and the daughter of Burma’s first post-independence President, told me that Suu Kyi was a serious, bookish girl, raised by a “very strong, kindhearted” mother, Khin Kyi. In 1960, Khin Kyi was appointed Ambassador to India and took her daughter with her. Two years later, Burma’s coup installed a socialist military regime (Beech 2017). She later joined her mother, who was appointed as Burmese ambassador (representative) to India in 1960. She was partly educated in secondary school in India and then attended St. Hugh’s College, Oxford University, in England. While there, she studied politics, economics (the production, distribution, and use of goods and services), and philosophy (the study of ideas) and received her bachelor’s and master’s degrees. From her father she developed a sense of duty to her country, and from her mother, who never spoke of hatred for her husband’s killers, she learned forgiveness. She also became influenced by the teachings of Indian leader Mohandas Gandhi (1869–1948), who was a believer in nonviolent civil disobedience.

Fast forward to 2007, the United States Institute of Peace paper on "Building Democracy in Burma" made the case that the country “falls more into the pattern of post-colonial Africa than it does Asia”. Nearly a century of British rule left the foundations for democracy but Myanmar “like many countries in Africa, wasn’t able to translate these into an enduring foundation for sustainable democratic governance” (Grant 2018). Along with it is Aung San Suu Kyi and her vision of rule of law under democratic reforms and its ongoing transition.

A democracy icon who fell from grace, international leaders were outraged by the exodus of hundreds of thousands of Rohingya Muslims from Myanmar into neighbouring Bangladesh due to an army crackdown, they have accused her of doing nothing to stop rape, murder and possible genocide by refusing to condemn the powerful military or acknowledge accounts of atrocities (BBC 2018).
Conclusion

On the part of Daw Aung San Suu Kyi, we problematized her actions and silence over the Rohingya genocide.

- Her military father who remains to be her influence and that her continued claims that her father is the father of Burmese military;
- Her special relations of the military generals during her incarceration in her house arrest;
- Her drive/focus on democratic transition as per her electoral promise in 2015;
- Her effort to strong and relevant democratic discourse by obscuring the issue of the Rohingya;
- Her context of rule of law is only political dynamics;
- Her detached attitude towards the Rohingya genocide for the fear that the military generals will take back her freedom and liberty;
- In all her speeches, she only uttered 10 times the words ‘rule of law’ against 14,910 words she uttered in all her separate eight speeches.

On the rule of law,

- The rule of law remains to be purely political narratives because the generals are not held accountable inside the country using the judiciary;
- It is subsumed under the ongoing legal reforms in Myanmar.
- It is a commonly-used word to infer legality to justify the clearance operations against the Rohingya communities.

References


TOURISM DEVELOPMENT AND THE NEW PATH OF MIGRATION IN SOUTHEAST ASIA; A STUDY IN SABAH, MALAYSIA

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Abstract

The establishment of nature conservation projects often bring dilemmas for local communities in Southeast Asia, including in Sabah, Malaysia. On the one hand, the enactment of Kinabalu Park has triggered the dispossession of local people from their customary lands, but on the other, it offers various economic opportunities. Employing ethnographic method, this article explores the transformation of Dusun community living in nearby Kinabalu Park and its connection to the influx of foreign migrants from Indonesia. Besides Mount Kinabalu, agricultural acts as the core of cultural pattern for the people. However, the establishment of Kinabalu Park has offered tourism as the more profitable economic sector for local people. Furthermore, agricultural lands tend to be abandoned, left for the elders and foreign workers from Indonesia. Recently, scores of Indonesian migrant families are inhabiting several villages nearby Kinabalu Park involved growing vegetables. Religious factor and the advance communication technology also play role to this migration pattern. According to the statistic available and direct observation, the majority of Indonesian migrants are predominantly Christians, similar to religion of the host community. With the advent of ICT, these Indonesian migrants living in Sabah ensure that their family ties even though separated by Sulawesi Sea remains unhindered.

Keywords: tourism, migrant, transformation, Kinabalu Park, agricultural land

Introduction

In the last few decades, tourism has been placed as one promising economic sector for countries in Southeast Asia. Malaysia also has tried to engage with global tourism market through exploring both its eco and cultural tourism “resources”. According to the Ministry of Tourism, Education and Environment, Sabah in Borneo has been visited by around 3,4 million foreign visitors and earned around MYR. 26 billion in 2016. Tourism development in this country is also strongly connected to the shifting of political agenda since 1987 when the government located tourism as the major economic sector (Hjulmand et al. 2003). Therefore, eco-tourism relied on natural parks, including Kinabalu Park in Sabah is part of the policy to protect natural resources while supporting a stable economic growth from the tourism. Coincidently, various traditional ceremonies have been long time known as the main attraction for tourists, along with the growing numbers of foreign tourist coming to climb up Mount Kinabalu.

Michel Picard (1990) offers “cultural tourism” to describe the further engagement between culture and tourism development in Southeast Asia. Bali is the example of an advance level of the engagement between culture and tourism, and eco-cultural tourism in Sabah is the new development in the region. In the similar vein, direct and in-direct engagement between local people and its fragile culture with tourism activities are something inevitably, and it may trigger various dynamics. The arrival of modern tourism in Sabah, especially to area nearby Mount Kinabalu is the third great changes toward the KadazanDusun community after the coming of British colonization and joining Malaysia Federation. It has been marked by the
number of tourist arrival that drastically increase from 829 in the first year of its enactment as a national park in 1965 to 434, 903 visitors in 2005, and increased to 715, 927 in the middle of 2012.

Mount Kinabalu is not only the center of the environmental protection and tourism activity, but also the symbol of community pride for Dusun people living nearby. The establishment of the mountain as national park in 1964 and listed as a World Heritage Site since 2000 have significantly brought Mount Kinabalu to be a popular destination, including Bundu Tuhan Village as the main gate for the climbing activity. From the economics point of view, Sabah also receives a significant increase of tourist arrival to Kinabalu Park. Not only regarded as the sacred mountain for local people, it was also used for traditional route to sell agricultural products in the past, before the connected modern transportation established. Usually local people needed almost a week to go there selling banana, rice or vegetables to coastal cities and brought back salt, or fish”. However, the basic purpose of the state park is to preserve significant geographical, geological, biological or historical features as a national heritage for the benefit, education and enjoyment of the mankind (Nais, 1996). Thus, the policy favors physical environment and undermine the existence of indigenous communities which have been living in the area for centuries. Furthermore, by not mentioning the specific community living surrounded as the main beneficiaries, it can be viewed as the root of the problem to local people.

However, from the economic point of view, the enactment of Kinabalu Park also brings various economic opportunities for local people, including Dusun people in Bundu Tuhan village. There are two reasons why people from the village get the privilege to access various jobs opportunities from the state park; geographical aspect and historical aspect. The headquarter of Kinabalu Park is located in Bundu Tuhan, including the main climbing gate Timpohon. Moreover, local people also inherit the legacy from Gunting Lagadan as the first local people guiding the Western to climb up the peak of the mountain in the past. Therefore, nowadays, malim gunung (mountain guide) from Bundu Tuhan are dominating the numbers of listed guide and porter in Kinabalu Park, various low-level state park’s jobs such as driver, gate keeper, including homestay and restaurant nearby. A lot of other economic initiatives connected to tourism also emerge, including by selling vegetables, handy-craft and the newest plan; creating the eco-tourism project in Winokok community forest, outside the Kinabalu Park.

Problem and objectives

Having busy with various tourism-based economic activities in the last few decades, local people have slowly transformed their livelihood system from agricultural to various economic initiatives connected to tourism. It has been resulted in the new worrying development when their agricultural lands then tend to be abandoned. Thus, these left lands are slowly attracting foreign migrant from Indonesia to come and replace local farmers. Currently, hundreds of Indonesian families especially from Tana Toraja and East Nusa Tenggara live in several villages nearby the Kinabalu Park, especially Kundasang, Kinasaraban and Bundu Tuhan for planting vegetables both as workers for their land lord, or rent the land from local people. Understanding the connection between tourism as the new determining factor of hinterland-to hinterland migration from Indonesia to Sabah is the main objective of this study. Thus, this paper is strongly aimed to answer two questions; (1) How does the development of tourism in Kinabalu Park has triggered the cultural change of local Dusun people ? and (2) How does the livelihood transformations of local Dusun people living in the area of Kinabalu Park determine the new path of migration to the area ?
Literature Review and Theoretical Framework

Fausto Barlocco (2008) emphasizes that the study on KadazanDusun in Sabah dominated by the issues of ethnicity, spirituality, cultural performance and the struggle over natural resources. Thus, research on tourism and its connection to the impact on local community are rare. KadazanDusun is officially used as the umbrella for the ethnic groups under Dusunic root in Sabah. It is a common understanding that the Kadazans is considered as the Dusunic which have moved to the urban area; meanwhile the Dusuns are living in the hinterland areas, especially near Mount Kinabalu. They are divided into subgroups which are distinguished by their dialect, traditional customary law (adat) and other cultural traits (Reid, 1997). KadazanDusun is often excluded away from the study of indigenous groups of Malaysia as reflected on the Endicott’s book; *Malaysia’s Original People; Past, Present and Future of the ‘Orang Asli’,* where the study is dominated for indigenous group in the peninsula (2016). In the Borneo contexts, Boulanger (2002) concludes that in Sarawak, ethnicity is exercised to resist modernity and foreign capital. Meanwhile, Chua (2007) describes the common attitude of Bidayuh in Sarawak; well-known of anti-Muslim and Malay principles as the low-level form of resistance based on cultural-religious identity. Thus, the *Bumiputera* in Sabah and Sarawak can be divided into Muslims and non-Muslims, both are consisted of many sub-groups, each with its own language, custom and sense of identity.

The identity the KadazanDusun has been given attention from various scholars. Kitingan (2012) clearly provides the history, social organization, worldview and the transformation of the group. However, she does not give a lot of attention to tourism as part of it. Meanwhile, religious life of the KadazanDusun and rituals related to “paddy-based culture” and the important harvest festival of Kaamatan have been given attention by many local scholars including Sintang (2013), Mahali and Tamring (2011), Husein (2008), and Low Kok On & Yok Fee (2012). These studies pose that the majority of KadazanDusun have been converted to Christianity or Islam, but most of them still practice rituals from the previous local belief; *Momolianism.* The ancestors of the KadazanDusun practiced a religious belief that is often considered as animistic through believing that every object has a guardian spirit. This is continued by the current generations who also have not totally ‘converted’ to any of the world religions, including those living in Bundu Tuhan and several villages nearby.

Related to tourism development, the arrival of modern tourism to the area of Mount Kinabalu can be viewed as the third great changes toward the community after encountering Western colonization and joining the Malaysia federation. The mountain which is known as Gayo Ngaran for the local communities is also seen as of community pride (Xin et al. 2014; Sung, 2012). After its establishment as national park in 1964 and listed as a World Heritage Site in 2000, the area grows as a popular destination marked by a significant increase of tourist arrival when in 2012 reached a total of 715,927. The increase of tourists’ arrival to the villages nearby, could generate benefits and problem as well to the communities neighboring. The temptations of economic benefit from tourism have attracted local government to promote an interesting slogan; *Halatuju,* a master plan to bring tourism as a new strategy by comprising the expansion of appropriate infrastructures, attracting more visitors, exploring new market and to generate employment (Jaafar et al. 2013). This report emphasizes at the economic stand point showing that tourism has given benefits to local community. However, the report does not cover the implication of modern tourism toward cultural identity and religious life of the Dusun people in the area.

Goffman’s theory of dramaturgy is the primary tool to analyze the engagement between Dusun people in Mount Kinabalu with tourism development in Sabah. It is completed by “heterotopic tourism” rooted in Foucault (1986) and Lefebvre’s (1991) theory on heterotopia. Heterotopic tourism is the effort to develop a form of cultural tourism rooted in particular authenticity aimed at expressing the counter discourse toward the dominant forces. Dramaturgy
is rooted in the dualistic performances of self when the individuals are not entirely determined by society by manipulating social situation. However, they are also not totally free to choose the images of self, limited by relationships within the social (1959: 14). The back region is the area where the expression is presented, meanwhile the front region is the arena where the community ‘perform’ themselves in front of audiences; the government, the majority groups or tourists (1959: 114). The key concept of dramaturgy is control over the back and front stages, therefore through employing heterotopic tourism, Bundu Tuhan Dusun’s community can openly and peacefully show that they are not powerless.

Piketty (2014) warns that globalized economic system is always political, and it cannot be reduced to purely economic mechanisms. As a part of this system, global tourism is often located for giving its contribution for the social and economic inequalities. From this point of view culturally Bundu Tuhan Dusun’s community have been being victims since the early enactment of national park aimed at servicing the global environmental and tourism. However, from the different perspective, this mainstream discourse has been being challenged by the indigenous insight especially in Asia (Chang, 2015). This post-colonial tourism studies have viewed tourism as the positive landscape for the indigenous communities to strengthen themselves. In this context, heterotopia as an important background for ethnic tourism. Through performing the authentic cultural ‘differences’, the oppressed group could maintain their existence. In the similar vein, authenticity (Cannell, 2004) is the backbone and the important cultural capital to engage tourism. Moreover, authenticity is the biggest gift searched by visitors, therefore endowed by the authentic culture and the attracting landscape have made Bundu Tuhan for having important sources to produce heterotopic tourism. However, it also brings Dusun people to go deeper and has led them to transform their livelihood orientation from agricultural to tourism. This phenomenon then attracts migrants from the neighboring country to fill the abandoned lands.

Methodology

The spirit of the research is ethnographic study to understand the dynamics within Dusun people in Sabah when engaging tourism (Spradley, 2016). As an ethnographic approach, it is aimed at finding and interpreting various symbols within a social phenomenon through a thick description. Therefore, it needs the intimate association with informants to find and to interpret significant symbols, emotion and understanding and the statement of underlying regularities of human experience. The study was conducted in Sabah, Malaysia, especially especially in Bundu Tuhan and Kundasang Village nearby Kinabalu Park from 2016 to 2018. Primary data were collected through participants’ observation and in-depth interview, completed by secondary data from both the written and unwritten ones. I also have participated in the daily life of local people, gathered the perspectives from national park’s authority and the tourists visiting the area. I visited Sabah twice in 2016 and spent more than 3 weeks for observing the daily life of the people of Dusun living at Bundu Tuhan, Kundasang and Klia Nulu village in Ranau District. In 2017 and 2018 I visited Ranau for three times for interviewing dozens of key informants and gathered with several tourism activities and community events, including religious activities in Bundu Tuhan and Kundasang

From sacred mountain to the state park

The story of Mount Kinabalu as one of the central cultural patterns for the Kadazan-Dusun people in Sabah to be a part of modern conservation system can be traced from the era of British colonization. In the early mid of 1800s, several British officers in Sabah were interested in the giant landscape of the mountain, and it was continued by the first ascent to the top of Kinabalu by Sir Hug Low in 1851. Hug was guided by a local people from Bundu Tuhan, Gunting Bin Lagadan. Interestingly, the other version emphasized by Faridah Dambul, one of Lagadan’s
relatives refused that Low was the first person who successfully reached the peak. However, Gunting Lagadang until today is recognized as the local legend, the pioneer of the mountain guide or *malim gunung* at Kinabalu. He was admitted as the first person who proved that local Bundu people is the real “sons of the sacred mountain”. After Hug Low and Lagadan's first ascent to the top, several expeditions were following, mostly for the ecological motives which directly brought the mountain to become known for its biodiversity and uniqueness. Thus, few decades later, it become the main reason for the enactment of policies to protect the ecology through the Kinabalu National Park policy in 1964; for its richness of environmental resources and later, paving the way for the tourism. However, part of these ecological richness was also previously used by local people to fulfill their daily need; animals, rattan, fire wood and also logs for building houses.

In the early 1960 when Sabah was still under the British administration, the government enacted Mount Kinabalu as the protected area, followed by a monumental scientific expedition in 1961-1963 on the mountain conducted by a team from the Oxford University under the leadership of Prf. E.J.H Corner. This expedition determined the enactment of the area to be the Kinabalu National Park in 1964 by the Malaysia Federation. It was continued in 1984s when Kinabalu National Park was renamed Kinabalu Park to signify its status as a state park (The Parks Enactment, 1984). Nowadays, Kinabalu Park covering around 753.37 sq.km is under the Sabah Park system, that is a statutory body under the Sabah Ministry of Tourism and Environmental Development and administrated through the Sabah Parks Board of Trustees. There are eight state parks in Sabah under the body headed by the Sabah Park Director which are; Tun Mustapha Park, Tungku Abdul Rachman Marine Park, Pulau Tiga Marine Park, Crocker Range Park, Kinabalu Park, Turtle Islands Park, Tawau Hill Park, Tun Sakaran Marine Park and Sipadan Islands Park and each park headed by a Park Warden.

Mount Kinabalu (4095 m) is known for having the highest peak between the Himalayas and Cartenzs Pyramid in West Papua, Indonesia, surrounded by around 45 villages where around 30,000 Dusun people live. It includes around 3600 people living in Bundu Tuhan village. Culturally, people from two villages; Kiau and Bundu Tuhan are admitted as the group having the closest cultural connection to the mountain. They are considered as the people living on the shoulder of the sacred mountain. Before the enactment of the national park people regularly conducted an annual pilgrimage to the summit area of the mountain to give respect to ancestors and also to give their loyalty to the god namely *Minamangun*. Before departing to the mountain, the *monolob* ritual led by the shaman, or *boboliyan* to get a permission from the ancestor’s spirit was conducted in the forest area of Tinompon, nearby the climbing gate to the mountain. However, after the enactment of the national park in 1964, the access toward the mountain was neglected. Moreover, if local people wanted to enter the mountain, they should register and pay as applied to the other visitors. Angrily said, during an interview in December 2017, Bundu Tuhan native chief Joseph Sariman emphasized “How could we should pay to enter our own land?. However, having no legal documents to support their claim over the mountain has made their cultural access toward the sacred Kinabalu, home of the ancestor’s spirit, officially has been denied, including after the area listed as one of the world heritages by UNESCO in 2000. This is the root of the sorrow of the local people, culturally.

Ton Diets (1996) describes the spirit of national policy represented by the enactment of Kinabalu Park through emphasizing that local people are demanded to support the policy and its goal to protect the environment, but their socio-cultural access is denied. Faqih on Diets’s book highlights that national park policy is rooted in the eco fascism spirit, the effort to favor environmental protection, meanwhile local people existence, can be neglected. Furthermore, Faqih also notes two others streams of environmental movements; (a) eco-populism as the anti-thesis of eco-fascism; protecting the environment should be aimed to benefit the people living around/within the area, instead of neglecting their existence both culturally or physically, and (b) eco-develop-mentalism, refers to spirit of the ecological protection aimed at guarantying the
sustainability of natural resources as the supply for development project or capitalistic industry (1996: v-x). Thus, Dusun people living nearby Kinabalu Park needs a breakthrough to maintain their cultural access toward the sacred mountain, and also involve into tourism industry provided for the economic reasons.

**The Development of Heterotopic Tourism in Mount Kinabalu**

*Kakakapan id Gayo Ngaran*

The establishment of the state park has arrived and accepted as the serious dilemma for Dusun people in Bundu Tuhan. One the one hand it has brought the economic opportunity through offering several jobs, but on the other hand it arrives as the clearest marker for the denial of their cultural access toward the mountain. Moreover, the enactment of national park has also brought the permanent border for the people to continue particular forms of traditional activities such as, cutting bamboo, rattan, log or hunting and gathering food to the forest according to the traditional Dusun practices. In the end of November, 2017, I witnessed one of the most important cultural events for the Dusun people in the Mount Kinabalu area; *Kakakapan id Gayo Ngaran* or Return to the Big Name. Gayo Ngaran is the local name of Mount Kinabalu for local people, to express their respect to their sacred mountain. Officially, this event was accepted as the yearly event since 2010 to accommodate the spiritual access of the people toward the mountain. For two days, the Dusun people would be given free access to enter the park area and moreover, conduct a pilgrimage to the summit area of the mountain. Returning from the mountain, the successful pilgrimage climbers would be welcomed with a series of traditional art, dances, sport and culinary festival at Dewan Kinabalu area within the boundary of Kinabalu Park. Before hundreds of pilgrimage climbers coming from various places in Sabah departing to the mountain, the sacred *monolob* ritual lead by a *boboliyan* was conducted at the forest area nearby the Timpohon Gate, the main climbing gate to the mountain to seek safe before climbing.

**Picture 1 and 2. The local “pilgrimer” and the *monolob* ritual**

The ritual was started by citing “*rinait*”, the sacred Dusun text by the *boboliyan* wearing the black traditional Dusun clothes for almost 20 minutes, continued by slaughtering five chickens one by one, disseminating its blood as the symbol of the effort to ask a permission from the spirit of the forest. After the *boboliyan* gave the last *rinait* citing, the head of Kinabalu Park’s officers, the native chief from Bundu Tuhan and Kiau officially gave the sign for the local climbers start their pilgrimage. Around 400 listed pilgrimage climbers joined for the *Kakakapan id Gayo Ngaran* 2017 and the majority did not reach the summit. After walking for three to five ours they decided to return back to Timpohon gate. For them, the summit was not the main goal, instead celebrating and having an opportunity to enter their sacred mountains, to re-charge and strengthen their identity as a part of the Dusun community. These people almost everyday witness that “their mountain” visited by domestic and foreign climbers. Therefore, having two
days to freely enter the gate during the *Kakakapan id Gayo Ngaran* the park’s authority is something that too valuable to miss.

These successful climbers stayed overnight at the mountain and will be welcomed at the area nearby the head office of Kinabalu Park in the next day. The second day is the “big day” to welcome the climbers and to celebrate the opportunity given to the people to “going back” to the mountain. In the last few years, the event to welcome the pilgrimage climbers from villages surrounding the mountain has become the regular tourism event namely “*hari komuniti tempatan*”, or the community day within the state’s park. It is also the arena to conduct a party for the community through the festival of traditional games, traditional culinary festival, storytelling about the history of Dusun people and Mount Kinabalu, Dusun singing contest and various traditional dances performances. During these two days, local people would not be charged for MYR 3.00 to enter the park gate as usual, and the non-local climbers would be only allowed to depart to the mountain after the event has been ended.

The current happiness during *Kakakapan in Gayo Ngaran* cannot be separated from the early struggle done a decade ago, when a group of people from Bundu Tuhan and Kiau have started to re-claim their sacred mountain. Joseph Sariman, the representation of *Kuasa Anak Negeri Bundu Tuhan* emphasize the early struggle in 2010 was started by the community research facilitated by an NGO to identify the “biocultural” resources and traditional knowledge of the community in preserving the environment. It was followed by the official letter from the community to demand the legal access to conduct the ritual namely *Kakakapan in Gayo Ngaran* in Mount Kinabalu. It was accepted in 2010, when the first ritual conducted by local community. Thus, since 2012, the park authority officially has decided that two days in in the early December the mountain will be closed for the visitor, for giving a little time for the local people to conduct *monolob* ritual and make a pilgrimage to the Kinabalu. Moreover, in the last few years, *Kakakapan id Gayo Ngaran* has been listed as one of the popular cultural tourism events in Kinabalu Park’s calender.

*Heterotopic tourism* is represented through the effort of strengthening cultural claim over Mount Kinabalu by conducting *Kakakapan id Gayo Ngaran*. The ritual has been accelerating the re-awakening the spiritual connection with the mountain and revitalizing a deep cultural knowledge of how Mount Kinabalu represents to the people. Thus, conducting *Kakakapan id Gayo Ngaran* is the strategy to offer an alternative way to deal with homogenization in the term of environmental policy and the dominant role of the world religion: Islam and Christianity. According to Lefebvre, it can be located as the mode of autosuggestion by seeing the state’s policy as a site to struggle. Through reclaiming the mountain for the pilgrimage site, the people have offered three symbolic cultural interpretations over the outsider’s hegemony. *First*, if for the government Mount Kinabalu is the important space for the ecological protection and for its economic role through tourism, local people challenge it by raising the alternative discourse; the mountain is a sacred place from the Dusun’s cosmology. It is the untouchable landscape for “going home” after the people die, the home of the sacred and respected invisible figures. *Secondly*, through Kakakapan id Gayo Ngaran, people has raised the discourse of the utopic figures rooted in Momolianism such as Kinoingan and Hominodun, to challenge the other “utopic” figures brought by Christianity and Islam. *Thirdly*, through transforming the ritual to be one of the tourism agendas within Kinabalu Park, it describes the effort to maintain the steady economic access through tourism for the local people, besides intensively engaging climbing activity to the Mount Kinabalu.

**Leaving agricultural land to serve visitors**

Discussing eco-tourism in Sabah will be closely related to the existence of climbing activity to Mount Kinabalu. Standing as the highest mountain in Southeast Asia, Kinabalu becomes the famous destination for climbers and researchers in the region. I met Afiqah, a local visitor from
Selangor in the front of the head office of Kinabalu Park. She interested to explore more about local culture after hearing series myths from her *malim gunung* during her trekking to the summit. Afiqah also witnessed her guide was seriously citing a prayer using the local Dusun language before entering the summit area of the mountain. Through her guide, she understands that Kinabalu is the sacred and respected landscape for the people. Officially, the main roles of mountain guide are to assist the visitors to reach their aims in the mountains, and secondly to increase the guest’s knowledge on the destination visited (Ching, 2009: 83). However, the behavior of local guide represents local worldview to place Mount Kinabalu as both the place to make a living and the sacred place according to their local beliefs, *Momolianism*. Moreover, the area of Akinabalu peak is considered as the stepping stone for the death spirit before leaving to Libabou, or the heaven.

Geographically, Bundu Tuhan has a strategic location that brings visitors who want to climb up the mountain will pass the village. The people having a strong root in agricultural, thus the majority of people in Bundu Tuhan are farmers. However, a lot of young men also work as the mountain guide, porter and daily worker at Kinabalu Park, including several restaurants nearby. The number of mountain guide have been significantly increasing from 20 *malim gunung* in 1978 to 171 in 2005, and almost 260 in 2017. Bundu Tuhan has supplied most of the guides and porters for the climbing activity in Bundu Tuhan. In 2017, from 260 *malim gunung* and porter which are legally listed in Kinabalu Park office around 180 are from Bundu Tuhan. The existence of predominantly number of *malim gunung* from Bundu Tuhan is connected to the history of Gunting bin Lagadan, the local legend who became the first officially registered park guide after guiding the British officer to the summit in 1851. Therefore, inspired by Lagadan’s, young generation from Bundu Tuhan proudly locate themselves as the real son of the mountain, therefore have the biggest right to work as the *malim gunung*. Moreover, according to the Park Enactment No. 10 of 2002 that regulate all mountain climbers to Mount. Kinabalu should be accompanied by a local mountain guide through the regulation stating the legal proportion is 3:1, meaning three climbers should be accompanied by one *malim gunung*. It directly gives a lot of new opportunities to the local people especially from Bundu Tuhan and Kiau to involve on the climbing activity.

Living in the hilly area and endowed by important the legacy from Gunting Lagadan, almost all young men in Bundu Tuhan have experienced to be a *malim gunung* or at least porter. After finishing their study at senior high school, local men would go to Timpohon, a climbing gate for working as *malim* or porter. It has been done as the temporary activity while waiting to get another job or continuing their study to the higher level. Roystone Tiam, which is now working as the international relation staff at the head office of Sabah Parks in Kota Kinabalu worked as *malim gunung* for almost 3 years. Having a long and big network to the mountain guide activity in Kinabalu Park has made it is easier for the new generation of Bundu Tuhan to get access for the job. Thus, people from Bundu Tuhan are considered as the first layer, followed by the neighbor village Kiau in the second layer, and the rest are several villages surrounding the mountain. Besides being *malim gunung* or porters, dozens of Bundu Tuhan people also work as the gate keeper, park’s office, some restaurants and staff in several lodge along the climbing route to the top of Kinabalu.

Guiding the climbers to the summit of Kinabalu is not only about earning RM 150 for once climbing trip to make a living for family, but it is also the way to prove to that they are the real owner of the mountain. Moreover, it has a cultural purpose; to make regular pilgrimage to the “mecca” of their cultural beliefs, their sacred land, besides merely financial purposes. The mountain itself has long history of external domination neglecting Dusun people from its sacred land. In 1958, it was declared by The British colonial as the nature reserve area, and it was continued by the Malaysian Government by the enactment of Kinabalu National Park in 1964, meaning that the access of local people toward the mountain had been drastically decreased. It explains that becomes the mountain guide is very important to protect their cultural bound with
the mountain. Thus, climbing activity is a pilgrimage and job at once. An active *malim gunung*
can guide both of local and foreign climber two times in a week, so from the financial perspective
it is a profitable job, compare to be a vegetables farmer. According to Peter Pausai, local young
man working at Tahubang Lodge, growing vegetables needs a lot of cost for the land
preparation, seeds, growing crops and the un-certain post-harvest vegetables price.

From the cultural point of view, the engagement between local Dusun people in Bundu
Tuhan and tourism development, especially through the climbing activity in Kinabalu Park
reveals two important things. Firstly, it is aimed to maintain the legacy of legendary Gunting Bin
Lagadan as the real sons of the mountain. Furthermore, secondly, it is also guarantying local
people to always have the direct access toward the sacred mountain. An active *malim gunung*
has the legal access to regularly visit the sacred mountain, different from the common Dusun
people who are considered as the common visitor and have an obligation to pay the entrance
fee. In this case, climbing activity has provided an opportunity to bridge the need to fulfil the
need to maintain the ties with certain cultural identity and, secondly the demand to establish
eco-tourism in the area. Therefore, cultural ground has been effectively exercised; when the
demand of ecological protection and tourism agendas can effectively be compromised with the
need of producing cultural expression.

Departing from the idea of both Foucault and Lefebvre on *heterotopia* as the space to
escape and to respond the hegemonic forces, tourism has been taken as the alternative avenue
to show the effort of Dusun group in Bundu Tuhan to maintain their cultural identities. Moreover,
it is the breakthrough to survive from the hegemonic powers; the Malay (and Islam) politics
dominating Dusun groups in the religious and political issue, and the national park that has
effectively denied the access of these groups toward their ancestral land. According to the
Adam’s study on Sherpas community in Nepali Himalaya, authenticity is the very important
cultural capital to develop and maintain the identity (Adam, 1996: 40). Thus, in Bundu Tuhan,
social and cultural identity are exercised through tourism as the alternative avenue by employing
the authenticity rooted in the indigenous religions, to strengthen certain claims over the ancestral
land which have been legally taken over the government through the state’s park. Contesting
cultural authenticity through tourism is a part of the effort to develop new avenue to express
resistances with their own ways. Therefore, *heterotopic* tourism rooted in the authenticity plays
its important role as the “in between stage” to bridge between the back region, the need to
maintain local belief and front region, the involvement to the tourism activity. However, this
successful movement through shifting from agricultural to tourism also brings the other
consequences; the abandoned agricultural lands, left for the elder and then, foreign migrants
from Indonesia.

**Crossing the sea to grow vegetables: Indonesian migrants in Ranau**

Faridah Dambul is an old Dusun woman who was born in Bundu Tuhan in 1956. She converted
to Muslim from *momolihanism*-she called it pagan belief in early 1970. Nowadays, she manages
a homestay for tourists in Kundasang namely Sunduan Lodge. Having a family house in Bundu
Tuhan, Faridah regularly return to Bundu Tuhan to visit the farmland and meet her big family,
including Sokuil, the grandson of the local legend: Gunting Lagadan. In the early June 2017,
after observing the state level harvest festival, Kaamat an in Penampang, I moved and stayed
two nights at Faridah’s home stay, before leaving to Bundu Tuhan. I shared a kitchen with a
Belgium family from Brussels with two daughters who have spent three days at the lodge.
Amazingly, during three days in Faridah’s house, I met five Indonesians, three from Tana Toraja,
two men are Hendra and Alex, and Nina, a 21 years old woman. The two others are two men
from East Nusa Tenggara province, Julius and Agustinus. Nina has worked as a domestic-
helpers for two years, and sometimes helps Alex and Hendra to grow vegetables on Faridah’s
farmland nearby the homestay. Nina decided to move to Ranau after getting divorced with her
husband in Toraja, and invited by her cousins Hendra to come. Hendra also sent a lot of pictures through whatsapp describing Kundasang as the alternative promising place to continue her life. Meanwhile Julius and Agustinus have been living for 5 years in Kundasang, they grow cabbage and tomato after renting a farm land from Faridah’s little brother in Kundasang. In the first three years in Sabah, they worked for the land lord to grow vegetables, and at third year the land lord decided to give his lend to rent.

In the next day, I was invited to visit the Community Learning Center (CLC) a semi-formal school for the Indonesian children managed by the Indonesian government in Kampung Cinta Mata, Kundasang, Ranau Sub District, and witnessed around 60 Indonesian children in the school. They were children from hundreds of the Indonesian migrant living in especially three villages; Kundasang, Bundu Tuhan and Kinasaraban. Mostly they are from Tana Toraja in South Sulawesi and Flores, East Nusa Tenggara province in Indonesia. These two areas share several similarities to Ranau; situated in the highland and rooted in agricultural, including by cultivating vegetables. The Indonesian predominantly come to Sabah to grow vegetables, as they did in the home country. From the religious issue, the majority of these migrants are Christian, similar to the majority religion in the area. This pattern is different from the biggest numbers of Indonesian migrants living in the coastal areas of Sabah such as Kota Kinabalu, Tawau or Sandakan which are Muslims coming from the coastal areas of Sulawesi in Indonesia. The majority of these “low land” migrants work in various informal sectors; bus/taxi driver, restaurants, industry, domestic helpers and palm oil plantations. Mansur, one of the Indonesian migrants from Majene, West Sulawesi who I met at Tawau Harbor, Sabah explained that the Indonesian migrants both from the coastal of highland would cross the Sulawesi Sea and usually stopped in Nunukan before crossing to Tawau, both illegal or illegally. Then, the “Muslims” migrant scattered to several low land areas such as Lahad Datu, Sandakan, Tawau, Kota Marudu or Kota Kinabalu for several informal jobs, including to the palm oil plantations, meanwhile the Christian from Tana Toraja and Flores directly moved to Ranau to grow vegetables. However, some Muslim families from the coastal areas of Indonesia also join to migrate to the Kinabalu Park area, especially to Kundasang Village that also inhabited by local Muslim community. Mansur who have lived in Tawau for almost ten years emphasized that these migrant paths have existed since the first time he arrived in Tawau.

In the similar vein, Peter Pausai from Bundu Tuhan emphasizes that a great transformation has occurred in the area of Kinabalu Park since two last decades, especially in the term of livelihood system. Having a strong root in agricultural activity through growing paddy and vegetable, things have changed and the declining along with the involvement with tourism sectors connected to the Kinabalu Park. It is also marked by the influx of Indonesian workers, especially those from Toraja and Flores coming to Ranau as workers at kebun, the agricultural land, to fill the empty room left by the young generation of Bundu Tuhan who prefer working at tourism sectors; such as to be malim gunungs, porters, guides or home stay workers nearby the headquarters of Kinabalu Park. A lot of land owners in Bundu Tuhan take the similar way with Faridah Dambul by developing the mutuall partnership with the Indonesian. Faridah has almost one hectare of land in Kundasang and a half hectare more in Bundu Tuhan, and she has been employing three Indonesian workers to cultivate cabbage and potatoes on her land in the last ten years. Faridah emphasizes that besides the fact that local workers are not sufficient anymore, her Indonesian workers are the ones she could rely on both for their skills, affordable payment and their attitude.

Thus, many the other land owners in Bundu Tuhan also prefer to lend their agricultural lands of around MYR 1500 every planting season (around 4 months) to the Indonesian migrants rather that managing the land themselves. The reason is because the significant increase of production cost to grow vegetables involving several fix costs within the agricultural business; buying seeds, paying for workers’ salary and buying pesticides. Therefore, conducting agriculture-based business is considered as a dangerous game because when harvesting time,
the price of vegetables could be drastically dropped. It was added by the fact that many local people prefer to involve into tourism-based business as mentioned above, such as earning around MYR 200 to 400 for two days guiding the climbers to Mount Kinabalu or by working at several homestays, hotel or restaurant linked to the Kinabalu Park. Thus, being a *malim gunung* is clearly seen much more profitable rather than facing uncertainty from managing their own land themselves. It then matches with the need of the Indonesian migrant who come to Sabah for earning money relying on their skill and knowledge in growing crops, as the did in their home country.

Thus, having paddy as one of the central cultural patterns reflected on the yearly Kaamatan harvest festival, Dusun people in Ranau have been slowly leaving their connection to the land. Leaving their land that in the past was used by their ancestors to grow *padi hutan*; a term for dry paddy cultivation in the mountainous areas nearby Mount Kinabalu, they gave right to cultivate the lands to the people coming from Indonesia who do not have any sense to maintain certain cultural pattern with paddy or Mount Kinabalu. Therefore, only few old farmers in Bundu Tuhan such as Sotoy, Peter’s grandmother who go to her own farming land every morning to take care of the vegetables. Meanwhile, the majority of the younger generation will depart to Kinabalu Park or Ranau for working on non-agricultural field. Peter Pausai was smiling when I asked him; “When was the last time you visit your *kebun*?” he then answered, “It might be a year ago, when I should go there to pick up my *nenek* because it was going to rain hard soon”. However, for a community that locate paddy and traditional agricultural activity as a central cultural practice, this transformation can be considered as a serious challenge. Having slowly lost paddy as the symbol of authenticity and replaced by the closer relationship to Kinabalu Park for the economic and cultural reasons, the cultural identity of Dusun people especially in Bundu Tuhan is recently symbolized through the pilgrimage to the sacred mountain of Kinabalu.

KadazanDusun community is claimed for its ability to survive within different eras, times and circumstances and nowadays has arrived at the crossroad between traditionalism and modernity (James, 1999). Tourism development in Kinabalu Park is an instrument of globalization coming to undermine various traditional values, symbolized on *Momolianism* and its practices. Tourism has also changed the economic orientation of people in Bundu Tuhan, effectively transformed from land-based activity rooted in paddy as the central pattern, into tourism based economic. It brings the role of tourism becoming bigger and influence the sense of cultural claim toward Mount Kinabalu as it is reflected through the *Kakakapan id Gayo Ngaran*. Partly claiming the sacred mountain Kinabalu and strengthening the traditional ownership over Winokok community forest while leaving agricultural land have indicated that the community has exercised their Dusunic authenticity to guarantee the access over both cultural identities and a steady livelihood sectors provided by tourism they have today. However, on the other, they could
enjoy a steady position to dominate many economic opportunities provided by the increase numbers of visitors coming to Kinabalu Park within last few decades. The success in culturally claiming the mountain trough regularly conducting Kakakapan id Gayo Ngaran can be considered as the half-hearted revivalism of the Momolianism, which is not merely directed by the cultural motives, but also the rational-economic motives to have bigger opportunities in engaging with tourism industry within the park. However, this transformation has paved the way for the development of a new migration path; from hinterland to hinterland marked by the influx of the Indonesian migrant coming to Ranau for growing vegetables on the abandoned fertile agricultural lands.

Conclusion

The encounter between local culture rooted and tourism development in the area of Mount Kinabalu produces several transformations within Dusun people in the nearby villages, including Bundu Tuhan and Kundasang in the term of livelihood orientation. The promising economic role of tourism in providing the economic opportunity has been combined with the need to maintain cultural connection to Mount Kinabalu as the source of cultural identity to produce the heterotopic tourism. Realizing that tourism as one key driver for the economic progresses, the effort to strengthen cultural recognition over the ancestral land is conducted without opposing tourism, instead, it is taken through collaborating with tourism. However, the deeper engagement with tourism-based economic sectors has resulted in the abandoned of agricultural lands, and directly attract the influx of foreign migrant especially from Indonesia to replace local farmers in taking care and managing the lands. Thus, the mutual partnership between Dusun people in Kinabalu Park area and the Indonesian migrants especially from Tana Toraja and Flores can be considered as one fruit of the long engagement between local culture and tourism development in the area of Kinabalu Park.

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ABSTRACTS

USING MIXED METHODS AS A RESEARCH METHODOLOGY IN MIGRATION STUDIES

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In migration studies, usage of mixed methods as a research methodology is at its infancy and is not adequately applied. Mixed methods in migration study are commonly confined to methodological perspective. As such, this paper explores the application of the mixed methods in uncovering the economic and social well-being of Bangladeshi migrant workers in Malaysia. In our research, mixed methods was employed to analyze the contextual socio-economic condition that characterized migrant workers' economic and social well-being. In most researches on migration studies, researchers tend to use quantitative approach to explore the remittances issues. We propose the use of qualitative approach to complement and substantiate our quantitative approach in investigating Bangladeshi migrant workers livelihood issues as this allows us to enrich and corroborate the findings from quantitative approach. Some underlying causes and consequences related to migration issues uncaptured using the former, will be compensated by the latter. The usage of mixed methods in this research will provide important guidelines to new researchers who intend to study migration issues in order to better understand the problem at hand in a comprehensive manner.

Keywords: mixed methods approach, research methodology, migration studies.

SKILLED MIGRATION, HUMAN CAPITAL FORMATION AND ‘EDUCATED UNEMPLOYMENT’: AN EMPIRICAL INVESTIGATION

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This paper examines the effects of skilled migration on human capital formation and unemployment of educated workers in some migrants’ source developing countries. The paper uses fixed and random effect regressions on panel dataset of human capital level, skilled migration rate and educated unemployment from 89 and 39 migrants’ sending developing countries over the period of 1975 – 2000 and distinguished between short-run and long-run effects of skilled migration on human capital formation. The results reveal that in the short run prospect of skilled migration exerts significant effect on educational investment in migrants’ source developing countries. Moreover, in the long run it leads to a reduction in the stock of better educated professionals. The results further show that the possibility of skilled migration attenuates skilled unemployment in migrants’ source developing countries. From the policy stand point, the paper shows that policymakers, in migrants’ source countries, can use the potentials of international migration to reduce skilled unemployment in their development process while monitoring the challenges of skilled migration by identifying and controlling sectors that can be prone to brain drain.

Keywords: Skilled Migration: Human Capital Formation: Educated unemployment: Developing Countries
WHY MIGRANT WORKERS ARE STILL PAYING THE COST OF THEIR RECRUITMENT? EVIDENCE FROM THE NEPALESE WORKERS IN THE PALM OIL SECTOR IN MALAYSIA

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As part of the global value chains, companies in Malaysia are expected to practice ethical recruitment, particularly the employer pays principle (EPP) – where no worker, including the migrant worker should pay for a job. Some large palm oil companies in Malaysia have declared their commitment on EPP, linking it to their on-going effort to eliminate the incidence of forced and bonded labour. Palm oil is a highly labour-intensive sector in Malaysia, hiring a half million of workers – the majority of which are migrant workers. Many migrant workers are recruited through a complex recruitment process, involving layers of manpower agencies, middleperson and social networks (intermediaries) – where workers are often unaware of the risks and consequences they would face. Given the complex nature of their recruitment process, this study raises the following research question; in the event where an employer is fully committed to implement the EPP, would this guarantee that the workers are not paying the cost of their recruitment? If workers are still paying the cost of their recruitment, the next question is – what these costs entail and where they derive from? Next, how can employers ensure the workers are not paying the cost of their recruitment, and hence fully implement the EPP? This study surveys a total of 92 Nepalese workers and interviews the management bodies (employers) of four palm oil mills in Johor, Pahang and Selangor (Malaysia). The findings suggest that while employers have committed to cover the costs of their migrant workers’ recruitment, the Nepalese workers are still paying almost the same or more of the recruitment costs paid by their respective employer. By analysing the different components of the recruitment costs, there is a strong evidence that the intermediaries involved in recruiting the workers in Nepal have imposed another set of recruitment costs (e.g., airfare ticket) which have had been covered earlier by the employers in Malaysia. This indicates unethical business practices on the side of the intermediaries in Nepal, and subsequently hinders the realization of the EPP. This is, nevertheless not to conclude that employers in Malaysia have no responsibility to prevent these unethical recruitment practices. This study further argues that the employers should regularly engage and monitor the conduct of their recruitment agents in Malaysia and in origin country, and organize a post-arrival due diligence exercise, enabling the newly arrived workers to raise their issues to employers for remediation.

SETTLER COLONIALISM, FOUCAULDIAN BIOPOLITICS AND INDIGENOUS IDENTITY: AN EXPERIENCE FROM RAKHAIN COMMUNITY OF BANGLADESH

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Historically, the emergence of colonization correlates in many central colonizing states with the growth of liberalism, even after its colonial disappearance. Bangladesh is independent for around 50 years, yet, the colonial mentality remains the same in the political and functional treatment of the indigenous. Documented, since the Mughal of 1715, Indigenous people of Hill tracts in Bangladesh have been under threat and subjugation of state. This paper aims to analyse how an independent Nation-state makes its Indigenous people changed in demography and identity with the case of Rakhain community of Bangladesh by settler colonies. This research design and/or framework informs the Indigenous research paradigm-IPR, focused on the biopower of Foucault, with the support of the longue durée of historiography, “logic of elimination” of Patrick Wolfe and observational fieldwork with sharing circle. The study comes with a three outcomes, that, colonialism is a separate field of knowledge that has congruence with IPR, and not a sub type of colonialism. Then, settler colonialism is not only the expansionist model worked as neo-liberal ideology, rather a radical religious sentiment was also crucial in illuminating Indigenous identity and political demography. Third, the role of intellects has been supporting tools for implementing settler colonies in hill tracts of Bangladesh since 1906. The study covered the whole hill tracts, but focused with Rakhain Indigenous community of Hill tracts among 13. This study suggested with practical activities from the researcher, that, the critical
consciousness of the marginalized Rakhain, is the first phase towards liberation and democratization. In it, first ever in the IRP adopts *Ihsan* (good actions for good deeds) as a practical and conceptual contrivance for social harmony and stability beyond academia and for policy planners (who are usually too busy to listen any constructive suggestion, at least in Bangladesh).

*Keywords*: Settler colonialism, Chittagong Hill Tracts-CHT, Bangladesh, Rakhain, Indigenous research paradigm-IRP, biopower, *longue durée*, *Ihsan*.

### A STUDY ON IRREGULAR MIGRATION FROM BANGLADESH TO MALAYSIA THROUGH THE BAY OF BENGAL AND ANDAMAN SEA

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Human trafficking has become a great concern for Bangladesh. Every year thousands of Bangladeshis are migrating overseas either legally or by illegal means. In the last couples of year, total flow of remittance was not satisfactory because of the diplomatic tension between the Bangladesh and major migrants receiving countries. In addition, the new migrations policies of the Middle-Eastern countries also have shrunk the scope for Bangladeshi migrants. As a result, the number of human trafficking from Bangladesh to Malaysia has increased. This paper is an attempt to unveil the key causes of human trafficking through the risky Bay of Bengal and the Andaman Sea by analyzing the field data. It will focus on the case studies of the trafficking victims and their family members with focusing on why they took this dangerous path of irregular migration. It also argues for effective mechanism to monitor the whole process of human trafficking from Bangladesh to Malaysia an urgent basis.

*Keywords*: Irregular Migration, Anti-trafficking policy, Trafficking victim, Bay of Bengal, Andaman Sea, Boat People.

### BUREAUCRACY AND PAKISTANI MALE MIGRANT WORKERS’ RECONCILING SOCIAL PRACTICES IN MALAYSIA

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Based on ethnographic research, this paper examines the social practices of Pakistani male migrant workers that emanate from their interplay with the only bureaucratic home institution (the high commission of Pakistan in Kuala Lumpur, Malaysia) for seeking services - the public good. The services are primarily related to the renewal of passports, emergency passports for exit from Malaysia, identity cards, marriage certificates, counsellor access to detainees, documents for the renewal of work permits and others. In an ideal case, among the workers, the High Commission is the only trusted home institution in the destination for sanctuary, protection and facilitation in all circumstances. It has the public good ‘for the people it represents’ (Roy, 2001: 36). However, the workers’ social practices reveal that they encountered bureaucratic indifferent and antipathetic responses from the home institution. Thus, many constructed an undesirable image of the only place that represented them. This article argues that the lack of the public good leads to precarious social practices that originate from the informal networks in the migrant workers’ market, where they are often disenfranchised. Their marginal status enables them to reconcile their insecure positions through informal precarious means. Many migrant workers’ narratives about the bureaucracy in the high commission reveal many ways in which the state apparatus produce insecurities and vulnerabilities for disenfranchised migrant workers whose interests are not served.
A JOURNEY OF THE KERINCHI COMMUNITY FROM JAMBI TO TANAH MELAYU: A PLIGHT OVER TIME AND SPACE

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In the early 19th century, the Kerinchi people migrated from the province of Jambi, Sumatra, Indonesia and paved their way to Bukit Nanas and later settled in Kampung Kerinchi, Kuala Lumpur. Their arrivals in Malay Peninsular (Tanah Melayu) were driven by both internal and external factors including economic and political factors that forced them to leave their homeland to seek a better quality of life. The Kerinchi people were the actual figures who had played a key role in founding the Kampung Kerinchi in Kuala Lumpur. The name Kampung Kerinchi was taken in conjunction with the birthplace of Haji Abdullah bin Ahmad who led twenty families migrated from Desa Tanjung Tanah, Kerinchi in Sumatra to Bukit Nanas and later occupied and developed Kampung Kerinchi. They brought with them the Kerinchi language, cultural heritage and religious beliefs that had been rooted for generations from Jambi. They cleared the land and cultivated vegetables and fruits and has since become the largest village in Kuala Lumpur. In recent years, rapid development has affected the livelihood of the Kerinchi people who have been living in Kampung Kerinchi for more than three decades. Additionally, the assimilation process with the locals has influenced them in various aspects of migration involving linguistics, cultural traditions and religious activities. Even though Kuala Lumpur has witnessed the Kerinchi migration, there is a lack of research about the community in Malaysia. The present study aims to explore the current ecology of the Kerinchi community in Malaysia by looking at their migration trends including regional mobility and migration, and challenges they face on their language, cultural heritage and religious practices. It is hoped that this research which is funded by the IIRG grant, could bring more insights into the impact of migration in the formation of the unique identity of the Kampung Kerinchi community.

Keywords: Migration, Kerinchi community, language, culture, religion

MIGRATION AND DIASPORA OF THE FILIPINOS: FOCUSING ON THE HERITAGE EDUCATION OF THE FILIPINOS IN HAWAII

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With the Treaty of Paris signed in 1898, it ended the Spanish-American War wherein the Philippines was sold for 20 million dollars to the USA (Lucero, 2018). One of the beneficial effects of this event was the opening of the labor market in Hawaii to the Filipinos, who became US nationals after the said treaty was signed. Filipino migration to Hawaii started on December 20, 1906 when the 15 Filipinos boarded SS Doric from the Philippines. Fast forward, Hawaii has become the home of 208,775 Filipinos, making them the largest Asian community in Hawaii (Hawaii Census, 2014). With the University of Hawaii as the only state university, majority of the Filipinos choose to get registered in various degree programs. At University of Hawaii-Hilo, the task of educating the Filipino youth has been made possible through the Filipino Studies Program. The curriculum has been designed with the multidisciplinary approach with language and culture occupying the core. Like any other heritage programs in America, some issues must be addressed such as curriculum and materials development, employment of pedagogical methods, assessment, strengthening of cultural identity, and community engagement (Kagan, Carreira, and Hitchins Chik, 2017; Canagarajah, 2017; Preece, 2016). Considering the preceding statements, this paper deals with the trajectories of Filipino migration and the eventual heritage education of the younger generation among Filipinos.
HEEREN STREET: THE ECONOMIC BACKBONE OF THE 19TH (AND EARLY 20TH) CENTURY MALACCA

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Chinese immigrants and traders from Zhangzhou arrived at the shores of Malacca as early in the 16th century during the Portuguese colonization. These Hokkien traders from southern Fujian province eventually settled and built what was to become today’s Peranakan Chinese communities in Malacca. The Peranakans are localized and immersed in local customs, speaking Malay, English and Peranakan creole that was a mix of Malay and Hokkien. They were generally English educated with a Malayan looking mindset. Heeren Street (now Jalan Tun Tan Cheng Lock) today is a quiet unassuming street adjacent to the bustling Jonker Street but back in 18th century until 1930s, this was where the rich and famous Babas call home. The Peranakan Chinese were part of the most influential stratum in the Malayan society; they enjoyed political, economic and educational powers. Apart from protection by the British government, the Peranakan matrilineal culture of inter-marriage of non-identical surnames or marriages of the matrilateral kin is the most significant factor that formed a close social structure that enhanced Peranakan cohesiveness, clan power, and social status. Amongst the famous figures who lived at Heeren Street were Tun Tan Cheng Lock, Tan Chay Yan, Chee Swee Cheng, and Tan Kim Seng; they were the masterminds behind the sea trading, rubber, tapioca, and gambier plantations, as well as the banking industry in then Malacca. Through tracing Malayan news articles (18th – 19th century publications) and other published sources, this paper conceptualizes the significance of intermarriages in the 18th – 19th century Peranakan community, through which they are consciously or subconsciously aimed at consolidating business networks and social influence which led to the close knit business community in 19th century Malacca that made up of rich and powerful Peranakan families.

Keywords: Malacca history, Peranakan Chinese, intermarriages, socio-economic influence, Malayan business

SUSTAINING UNITY IN DIVERSITY: EXPLORING THE HIMPUNAN SIN BENG KELANTAN (HSBK2019) AS A CASE STUDY OF ETHNIC BOUNDARY-MAKING IN CONTEMPORARY KELANTAN

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With a population size of 55,500 in the year 2016, the Chinese community is the largest ethnic minority group in Kelantan, yet it makes up only about 3.09 percent of the population with the Malays as the majority ethnic group. Living in a society whose social environment is predominantly influenced by conservative Malay-Muslim hegemony in almost every aspect, religion has become a prominent marker of ethnic boundaries in Kelantan society. However, in comparison to the general overview of Malay-Chinese interethnic relations in Malaysia that is depicted as constantly conflicted and contested, the interethnic relation between both Kelantanese Malay and Chinese is relatively more peaceful and harmony. Both ethnic groups are seen as on good terms with each other despite their religious differences; particularly in the context of interethnic relations between the Malay and Peranakan Chinese community, a Chinese subethnic group whose members are local-born Chinese and practice highly localized Chinese culture. By focusing on the Himpunan Sin Beng Kelantan (HSBK2019), a religious event in Taoism that was recently held for the first time ever in the state as a case study, this paper seeks to explore and examine how the Kelantan Peranakan Chinese community as a minority ethnic group, has been successful in maintaining and negotiating ethnic boundaries in the society peacefully through their religious activities.
TOURISM DEVELOPMENT AND NEW PATH OF MIGRATION IN SOUTHEAST ASIA; A STUDY IN SABAH, MALAYSIA

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The establishment of nature conservation projects often create a dilemma for local communities in Southeast Asia, including in Sabah, Malaysia. On the one hand, the enactment of Kinabalu Park has triggered the dispossession of local people from their customary lands, but on the other, it offers various economic opportunities. Employing ethnographic method, this article explores the transformation of Dusun community living in nearby Kinabalu Park and its connection to the influx of foreign migrants from Indonesia. Besides Mount Kinabalu, paddy acts as the core of cultural pattern for the people. However, the establishment of Kinabalu Park has offered tourism as the more profitable economic sector for local people. Furthermore, agricultural lands tend to be abandoned, left for the elders and foreign workers especially from Tana Toraja and East Nusa Tenggara, Indonesia. Recently, scores of Indonesian migrant families are inhabiting several villages nearby Kinabalu Park involved growing vegetables. Religious factor and the advance communication technology also play role to this migration pattern. According to the statistic available and direct observation, the majority of Indonesian migrants are predominantly Christians, similar to religion of the host community. With the advent of ICT, these Indonesian migrants living in Sabah ensure that their family ties even though separated by Sulawesi Sea remains unhindered.

Keywords: tourism, migrant, transformation, Kinabalu Park, agricultural land

EXTRATERRITORIAL MIGRATION CONTROL IN SOUTHEAST ASIA

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This research examines how migration control in Southeast Asia has been transformed in response to non-traditional security threats. Common geopolitical security concerns, particularly the transnational crime and terrorism confronted by Malaysia and its bordering countries, have led to extraterritorial control measures to secure its external borders. Malaysia’s extraterritorial policy is mostly implemented through the Association of Southeast Asian Nations (ASEAN) frameworks. Since the 2010s, Malaysia has expanded the territorial reach of its immigration enforcement through bilateral re-admission agreements, trilateral border patrol initiatives, and multilateral defense establishments. This research utilises official documents, legal text, agreements, parliamentary debates, media statements, and secondary literature. This research shows how regional cooperation has led to the growing involvement of the army, the institutionalization of border externalization and the strengthening of the ASEAN’s regional immigration cooperation.

Keywords: ASEAN; border control; extra-territoriality; irregular migration; Malaysia

THE GOVERNANCE OF FORCED-MIGRATION IN SOUTHEAST ASIA: COMPARATIVE PERSPECTIVES FROM INDONESIA, MALAYSIA AND THAILAND

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This paper seeks to examine the governance of forced-migration refugees in Southeast Asia. The United Nations High Commissioner for Refugees (UNHCR) estimated that in 2018, about 70 million people were forcibly displaced worldwide. This means that in every minute, 25 individuals were forced to flee in 2018. Out of this number, Southeast Asia is a host to roughly 2.5 million forced-migrants from within the region, and another additional number of non-ASEAN refugees or asylum seekers, notably from the Middle East. Using qualitative approach, drawn mainly from review of relevant and recent literature, this paper examines the regional approach in tackling this humanitarian crisis. This paper begins with an analysis of regional policies and institutional frameworks e.g. ASEAN Human Rights Declaration and ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) respectively. The findings suggest that in this context, the “ASEAN Way” of empowering country members’ sovereignty and non-interference in their internal affairs serve as a limitation in regional governance of forced-migrants. We further explore case studies from three ASEAN countries namely Indonesia, Malaysia and Thailand which domesticated hundreds of thousands refugees. Our argument is that the governance of forced-migrants at both regional and country level in Southeast Asia has been weak and ineffective. The paper proposes a shift in the approach from rights-based to needs-based and strengthening institutional frameworks with wider civil society’s participation and collaboration with non-ASEAN members (e.g. Australia and Bangladesh) for better governance of forced migration.

Keywords: forced migration, refugees, governance, Southeast Asia, needs-based-approach

DENIAL OF THE ROHINGYA GENOCIDE: PROBLEMATIZING DAW AUNG SAN SUU KYI AND THE ‘RULE OF LAW’ IN POSTCOLONIAL MYANMAR

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Even as the world condemns it as genocide, the government of the Union of the Republic of Myanmar and democracy icon, Daw Aung San Suu Kyi denied it and refused to accept it as such and mounted a legal defense arguing that what the subsequent response against the attacks as of August 25, 2017 on various police outposts were anchored on the rule of law. This premise is at the center of this paper. What then is the rule of law in Myanmar? What to them was genocide by the standards of the international community? And why do they deny it? These questions are what this paper problematizes. Qualitative in nature, this paper perused pages of transcripts of speeches to find themes, settings and meanings that will be attributed to problematizing Daw Aung San Suu Kyi and the rule of law in the postcolonial Myanmar. And her speeches were delivered in public from 2016-2018. In analyzing her speeches, the paper uses Foucauldian Discourse Analysis. The paper concluded that on the part of Daw Aung San Suu Kyi, we problematized her actions and silence over the Rohingya genocide. Her military father who remains to be her influence and that her continued claims that her father is the father of Burmese military; Her special relations of the military generals during her incarceration in her house arrest; Her drive/focus on democratic transition as per her electoral promise in 2015; Her context of rule of law is only political dynamics; And on the Rule of Law, the study revealed these: The rule of law remains to be purely political narratives because the generals are not held accountable inside the country using the judiciary; It is subsumed under the ongoing legal reforms in Myanmar.

Keywords: (five keywords) Aung San Suu Kyi, Rohingya, crisis, problematizing, Southeast Asia, Myanmar
PROGRAMME

DECEMBER 2, 2019: Faculty of Arts and Social Sciences (FASS), University of Malaya (UM)

08.30-09.00: Registration (Lecture Hall B, FASS)

09.00-10.30: Opening & Keynote (ICONSEA2019) (Lecture Hall B, FASS)

10.30-11.00: Coffee break/networking (The Cube, FASS)

11.00-12.30: Session 1 (Thai Studies Room, FASS, UM)

Theme: MIGRATION & METHODOLOGY AND OUTPUT

Moderator: Thirunaukarasu Subramaniam
(Department of Southeast Asian Studies, Faculty of Arts and Social Sciences, University of Malaya)

USING MIXED METHODS AS A RESEARCH METHODOLOGY IN MIGRATION STUDIES
Md. Mohsin Reza¹, Thirunaukarasu Subramaniam² & M. Rezaul Islam
¹University of Malaya and Jagannath University
²University of Malaya
³University of Dhaka

SKILLED MIGRATION, HUMAN CAPITAL FORMATION AND ‘EDUCATED UNEMPLOYMENT’: AN EMPIRICAL INVESTIGATION
ABUBAKAR LAWAN NGOMA¹ & NORMAZ WANAM ISMAIL²
¹Department of Economics and Development Studies, Faculty of Arts, Management and Social Sciences, Federal University of Gashua, 1005 Yobe State, Nigeria.
²Department of Economics, Faculty of Economics and Management, University Putra Malaysia, 43400 Serdang, Selangor

WHY MIGRANT WORKERS ARE STILL PAYING THE COST OF THEIR RECRUITMENT? EVIDENCE FROM THE NEPALESE WORKERS IN THE PALM OIL SECTOR IN MALAYSIA
ANDIKA AB. WAHAB
Institute of Malaysian & International Studies, The National University of Malaysia (UKM), Malaysia

12.30-14.00: Lunch break and networking (The Cube, FASS)

14.00-15.30: Session 2 (Thai Studies Room, FASS, UM)

THEME: REFUGEE’S GOVERNANCE, HUMANITARIANISM AND POLICY

Moderator: Peter Aning
(Faculty of Architecture and Built Environment, University of Malaya)

SETTLER COLONIALISM, FOUCALDIAN BIOPOLITICS AND INDIGENOUS IDENTITY: AN EXPERIENCE FROM RAKHAIN COMMUNITY OF BANGLADESH

JAHID SIRAZ, HARIS ABD WAHAB, RASHID BIN MOHD SAAD
Department of Social Administration and Justice
University of Malaya, Kuala Lumpur. Malaysia
A STUDY ON IRREGULAR MIGRATION FROM BANGLADESH TO MALAYSIA THROUGH THE BAY OF BENGAL AND ANDAMAN SEA
AFZALUR RAHMAN
Department of International Relations
University of Chittagong
Chittagong, Bangladesh

BUREAUCRACY AND PAKISTANI MALE MIGRANT WORKERS' RECONCILING SOCIAL PRACTICES IN MALAYSIA
ABDULLAH KHOSO & Hanafi Hussin
Gender Studies Programme, Department of Southeast Asian Studies, Faculty of Arts and Social Sciences & UM Migration Research Centre, University of Malaya

15.30-17.00 PLENARY@ICONSEA2019 (Lecture Hall B, FASS, UM)
17.00-19.00: Reception (The Cube, FASS)

DECEMBER 3, 2019:  Faculty of Arts and Social Sciences (FASS), University of Malaya (UM)

08.30-09.00: Registration (Lecture Hall B)
09.00-10.30: Keynote II (ICONSEA2019-Lecture Hall B, FASS, UM)
10.30-11.00: Coffee Break (The Cube, FASS, UM)
11.00-12.30: Session 3 (Thai Studies Room, FASS, UM)

THEME: MIGRATION AND DIASPORA (NEW RESEARCH)
Moderator: Rohana Jani
(Senior Research Fellow Ungku Aziz Centre for Development Studies, Faculty of Economics and Administration)

MIGRATION AND DIASPORA OF THE FILIPINOS: FOCUSING ON THE HERITAGE EDUCATION OF THE FILIPINOS IN HAWAII
RODNEY C. JUBILADO, PHD
University of Hawaii at Hilo

A JOURNEY OF THE KERINCHI COMMUNITY FROM JAMBI TO TANAH MELAYU: A PLAGHT OVER TIME AND SPACE
JARIAH MOHD JAN1, SITI ZAIDAH ZAINUDDIN1, SHEENA KAUR1, 
AZLIN ZAITI ZAINAL1, YAHAYA AHMAD2 & MOHD ROSLAN MOHD NOR3
1Faculty of Languages and Linguistics,
2Faculty of Built Environment
3Mohd Roslan bin Mohd Nor, Faculty of Islamic Studies
Universiti Malaya
Universiti Malaya, Kuala Lumpur

SAMA-BAJAU MIGRATION AND DIASPORA IN THE PHILIPPINES AND MALAYSIA AND ITS AFFECTS TO THE MAINTENANCE AND PRESERVATION OF TRADITIONAL HERITAGE
Hanafi Hussin1 & MCM Santamaria2
1Department of Southeast Asian Studies, Faculty of Arts and Social Sciences
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Universiti Malaya Migration Research Centre (UMMRC)
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University of Malaya, Malaysia

Asian Studies Centre
University of the Philippines
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12.30-14.00: Lunch (The Cube, FASS, UM)
14.00-15.30: Session 4 (Thai Studies Room, FASS, UM)

**THEME:** MIGRATION AND DIASPORA – MIGRATION DYNAMIC IN SOUTHEAST ASIA

**Moderator:** Muhamad Riza Nurdin
(Department of Southeast Asian Studies, Faculty of Arts and Social Sciences, University of Malaya)

**HEEREN STREET: THE ECONOMIC BACKBONE OF THE 19TH (AND EARLY 20TH) CENTURY MALACCA**

TAN HUEY PYNG, YVONNE HOH JGIN JIT, MOK SEW KUEN, MICHELLE WONG
Faculty of Arts and Social Science, Universiti Tunu Abdul Rahman (UTAR)

**SUSTAINING UNITY IN DIVERSITY: EXPLORING THE HIMPUNAN SIN BENG KELANTAN (HSBK2019) AS A CASE STUDY OF ETHNIC BOUNDARY-MAKING IN CONTEMPORARY KELANTAN**

PUE GIOK HUN
Universiti Kebangsaan Malaysia

**TOURISM DEVELOPMENT AND NEW PATH OF MIGRATION IN SOUTHEAST ASIA; A STUDY IN SABAH, MALAYSIA**

NUR WIDIYANTO & EMANUELA AGRA SARIKA KURNIA DEWI.,S.I.KOM.,M.A
Departement of Tourism, Ambarrukmo Tourism Institute, Yogyakarta

15.30-17.00: Session 5 (Lecture Hall B, FASS, UM)

**THEME: MIGRATION ISSUES AND CHALLENGES IN SOUTHEAST ASIA**

**Moderator:** Hanafi Hussin
(Department of Southeast Asian Studies, Faculty of Arts and Social Sciences, University of Malaya)

**EXTRATERRITORIAL MIGRATION CONTROL IN SOUTHEAST ASIA**

LOW CHOO CHIN
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**THE GOVERNANCE OF FORCED-MIGRATION IN SOUTHEAST ASIA: COMPARATIVE PERSPECTIVES FROM INDONESIA, MALAYSIA AND THAILAND**

MUHAMAD RIZA NURDIN, MALA RAJO SATHIAN & HANAFI HUSSIN
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DENIAL OF THE ROHINGYA GENOCIDE: PROBLEMATIZING DAW AUNG SAN SUU KYI AND THE ‘RULE OF LAW’ IN POSTCOLONIAL MYANMAR

WENDELL GLENN P CAGAPE, PHD
Centro Escolar University, Philippines

17.00-18.00: Closing (Jointly with ICONSEA2019)@The Cube, FASS, UM Networking, Certificate
Free and leisure