Conflict and Transnational Crime

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Borders, Bullets & Business in Southeast Asia

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Contents

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Abbreviations

AA	Arakan Army
ARIF	Arakan Rohingya Islamic Front
ARMM	Autonomous Region in Muslim Mindanao
ARNO	Arakan Rohingya National Organisation
ARSA	Arakan Rohingya Salvation Army
ASEAN	Association of Southeast Asian Nations
ASG	Abu Sayyaf Group
BARMM	Bangsamoro Autonomous Region in Muslim Mindanao
BBL	Bangsamoro Basic Law
BDT	Bangladeshi Taka
BGF	Border Guard Forces
BJeI	Jamaat-e-Islami Bangladesh
BNPP	Barisan Nasional Pembebasan Patani
BOL	Bangsamoro Organic Law
BRN	Barisan Revolusi Nasional
CHT	Chittagong Hill Tracts
CPB	Communist Party of Burma
CPM	Communist Party of Malaya
CSO	civil society organisation
DEA	Drug Enforcement Administration
DI/NII	Darul Islam/Negara Islam Indonesia
DRC	Democratic Republic of the Congo
EAO	ethnic armed organisation
FARC	Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia)

FPNCC	Federal Political Negotiation and Consultative Committee
HRW	Human Rights Watch
ICG	International Crisis Group
IDP	internally displaced people
IDR	Indonesian Rupiah
IED	improvised explosive device
IPAC	Institute for Policy Analysis of Conflict
IS/ISIS	Islamic State
JAD	Jamaah Ansharut Daulah
JAK	Jamaah Ansarul Khilafah
JI	Jemaah Islamiyah
KIA	Kachin Independence Army
KIO	Kachin Independence Organization
KWAT	Kachin Women's Association Thailand
MILF	Moro Islamic Liberation Front
MIM	Muslim Independence Movement
MMK	Myanmar Kyat
MNLF	Moro National Liberation Front
MSF	Médecins Sans Frontières
MYR	Malaysian Ringgit
NCA	Nationwide Ceasefire Agreement
NDA-K	New Democratic Army – Kachin
NGO	non-governmental organisation
NPA	New People's Army
PHP	Philippine Peso
PSDKP	Direktorat Jenderal Pengawasan Sumber Daya Kelautan dan Perikanan (The Directorate General of Marine and Fisheries Resources Surveillance)
PULO	Patani United Liberation Organization
RCSS/SSA-N	Restoration Council of Shan State/Shan State Army – North

RCSS/SSA-S	Restoration Council of Shan State/Shan State Army – South
RNA	Rohingya National Army
RSO	Rohingya Solidarity Organisation
SBPAC	Southern Border Provinces Administrative Center
SSA-N	Shan State Army – North
SSA-S	Shan State Army – South
TAT	Technical Advisory Team
TNLA	Ta'ang National Liberation Army
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USIP	United States Institute of Peace
UWSA	United Wa State Army
WFP	World Food Programme

1. Introduction

'This is where we take the drugs across', the smuggler explained, point-ing at a spot at the narrow river called Golok that separates Thailand from Malaysia. It was getting dark but I could make out small boats crossing the river, transporting all kinds of goods: drugs, but also big bundles of t-shirts, canisters of petrol, cigarettes, migrant workers, and local people who just want to have a drink after work on the other side. The border is almost invisible and the cross-border economy is vibrant.

Armed soldiers sitting on plastic chairs languidly watched the bustle on both sides of the river. We were in Thailand's Narathiwat Province, the country's 'Deep South', an area with an active armed independence movement that is subject to frequent attacks. Not far from the tourist destination Phuket, the Thai army appears to be at war. Here there are checkpoints every few kilometres on the road and heavily armed soldiers wearing balaclavas and dressed all in black roam around. Since 2004, more than 7,000 people have been killed in Thailand's Deep South.

Transnational crime and armed conflict seem to be a good match. They often make headlines together: 'Congolese blood diamonds', 'Afghan opium' and 'made-in-Myanmar meth'. Such reports depict conflict zones as 'ungoverned' spaces where insurgents and criminals cannot be distinguished. Scholars and policy-makers extensively discuss what they call the 'conflict–crime nexus'. Prominently, Collier and Hoeffler (2000; 2004) claim that most armed groups are driven by greed rather than grievance, making them similar to organised criminal groups. Meanwhile, studies on 'terrorism' describe the phenomenon as deeply intertwined with transnational crime (e.g. Shelley, 2014). However, the empirical basis for such discussions remains thin, not least because of the difficulties of collecting data in such areas.

We have limited knowledge of how armed conflict and transnational crime connect and affect one another. In particular, we know little about the role insurgents play in the smuggling economies of conflict zones. In the case of Thailand's Deep South, for example, state authorities com-monly accuse the insurgency of driving the drug trade. But do conflict

zones really attract transnational crime? And do non-state armed groups[1] actually finance their activities by smuggling goods such as drugs?

Driven by such questions, this book sets out to explore the links between armed conflict and transnational crime through an analysis of the smuggling economy in borderlands that are characterised by armed conflicts. Smuggling takes place in borderlands, and also armed conflict is widespread in these areas, which often appear to be remote and far away from the central state. This book investigates whether crime and conflict gather in such areas simply because of conditions that draw them both, or whether their relationship is more symbiotic.

Drawing on extensive field research, the chapters that follow will investigate and compare the dynamics of four border areas in Southeast Asia: the borders of Thailand and Malaysia, Myanmar and China, Bangladesh and Myanmar, and the maritime border region of Indonesia, Malaysia and the Philippines. It explores the perspectives of the various involved actors, including the armed groups, the smugglers and the victims of the conflict. While policy-makers are particularly concerned with the smuggling of drugs and other illicit goods, this book considers the smuggling of all types of goods, including ordinary consumption goods such as rice that matter much for the local economy and the communities in the borderlands. It also pays close attention to the smuggling of people.

This book's findings challenge common views on the conflict–crime nexus. While, for instance, a common narrative states that insurgents and rebels largely drive smuggling activities in conflict zones, state actors often play a much more prominent role in the smuggling networks that operate in Southeast Asia's borderlands. The book offers a nuanced understanding of armed groups and their involvement in the smuggling economy that goes beyond the narrow focus on their economic motives.

Just like states, non-state armed groups are political authorities, actors that exercise social control and have a structuring influence on societies.[2] Political authorities, states and non-state armed groups alike have to consider and balance a number of factors that will ultimately shape their involvement in the smuggling economy. Particularly important are the extent of territory an authority controls and the sources of its legitimacy. An authority that controls the monopoly of force in a certain territory and can therefore protect smugglers is a more attractive business partner for transnational criminal networks than one that operates underground and has limited opportunities. Meanwhile, an authority that wants to build local legitimacy and support is likely to limit its involvement in smug-

gling activities to those that are not considered to be harmful locally. Non-state armed groups often lack territorial control and rely on local legitimacy. Not only does this make them less attractive to smuggling networks; being concerned about how they are perceived locally, they may well want to limit their involvement in smuggling activities. State authorities, which usually control territory and are often less dependent on local legitimacy, are less constrained.

SMUGGLING ECONOMIES

We often associate smuggling with ungoverned spaces and conflict zones, deserts and remote mountain paths. But smuggling can occur anywhere; in 2019, two Australian farmers were sentenced to several years in prison for smuggling pig semen from Denmark to Australia in shampoo bottles. Danish pigs produce considerably more piglets a year than Australian ones, but biodiversity guidelines prohibit the use of foreign semen to breed livestock in Australia.

Whether it is tunnels, holes in border fences or shampoo bottles, we think of smuggling as activities that are intended to avoid detection through states at their borders. The idea of smuggling is closely tied to the concept of the nation state, which is defined by its territory and the borders that demarcate it. Smuggling needs the state and is defined in its opposition. Without states and its borders there would be no smuggling. Drawing on Andreas's (2009) definition, smuggling can be viewed as 'all cross-border economic activity that is unauthorised by either the sending or receiving country' (p.15). Indeed, border divisions and state guidelines about what can cross them, as well as what goods that do cross carry customs duties, turn trade into smuggling. People who avoid these custom duties or, like the Australian pig farmers, bring goods across the border that are declared to be illegal, are considered to be smugglers or traffickers.

Historically, the concept of smuggling evolved and flourished together with nation states around the world. The first known written instance of the word 'smuggler' refers to activities undertaken in the context of the English civil wars 1642–49 (ibid.), at the same time when Europe was being divided into nation states through the Treaty of Westphalia in 1648. Today, in a world that is defined by nation states and borders, smuggling is an important part of the global economy. Anything may be smuggled, from cooking oil to methamphetamines, from refugees to human trafficking victims. However, what is legal or illegal, licit or illicit – and, hence,

what is considered to be trade or smuggling – can vary substantially from country to country. For instance, in a time when many countries are relaxing their laws around drugs, in many Southeast Asian countries drug traffickers still face the death penalty.

Andreas's (2009) exploration of the US–Mexico border concludes that the main drivers of which goods are smuggled are 'laws and consumer demand' (p.17). Specifically, he finds that tariffs and taxes play a key role for smuggling activities as they determine their profit margin. If tariffs are high, smugglers prefer smuggling legal commodities, trying to evade the tariffs. If tariffs are low and there is little money to be made from smuggling legal goods, smugglers instead prefer to smuggle goods that are considered to be illegal. However, even when tariffs are low, legal goods with high taxes, such as alcohol and cigarettes, are profitable commodities for smugglers (ibid.).

Looking at smuggling beyond the borders of Europe and the US, Meagher's (2014) work on smuggling in West Africa shows that ideologies rather than empirical research have shaped our understanding of smuggling, criminalising ordinary cross-border trade that is usually peaceful. The empirical research on smuggling that has been conducted in North and West Africa illustrates that these practices can be best explained by looking at them as ordinary trade, rather than as criminal or subversive activities. For instance, Scheele (2012) describes the somewhat democratic nature of smuggling networks in Algeria and Mali, where trucks transport all types of licit and illicit goods across the Sahara. According to her analysis 'anybody with a four-by-four, some initial capital, and enough cousins along the road can become a carrier or else trade on his own account' (p.107). Gallien's (2019) analysis of smuggling routes in North Africa demonstrates that smuggling is not 'unregulated'. He finds a 'dense network of informal institutions' that determine which goods, at what cost, and in what quantity travel particular routes (p.1). Soto Bermant (2015) concludes that such common informal economic practices should not be mistaken for anti-state resistance, arguing that it is 'only from the point of view of the state that economic activities outside its control appear inevitably subversive' (p.264).

Smuggling is often associated with 'big business' and famous drug traffickers like Pablo Escobar or Joaquín 'El Chapo' Guzmán. But smuggling is often not organised in a centralised manner. Individual smugglers and smuggling businesses are part of the wider smuggling economy, being connected through institutions and networks of people, just like in a formal economy. Smugglers follow the demands of the

market and structure their business like legal companies do and thus may compete with each other (see Andreas, 2009, p.21). The level of organisation in the smuggling economies varies considerably, depending especially on a state's enforcement practices and the type of 'commodity' that is smuggled (ibid., p.20). 'Tough enforcement' policies on a certain good or at a certain border make the smuggling business more difficult. However, the reduced supply also increases the profit margin for smugglers, making the business more attractive. Hence, such policies tend to increase the level of organisation and monopolisation of the smuggling economy, pushing smaller smugglers out of the market and increasing the opportunity for more organised and powerful groups.

It is not just goods that are smuggled. At a time when more and more states become closed off and hostile to migrants, borders have become increasingly difficult for people to cross legally. According to estimates of the United Nations Office on Drugs and Crime (UNODC, 2018a), more than 2.5 million migrants were smuggled in 2016. Some become victims of human trafficking, which is based on threat, the use of force or other forms of coercion, fraud or deception (ibid.).[3] As Feingold states, trafficking is 'often migration gone terribly wrong' (2013, p.214). Large numbers of people get killed every year while trying to cross borders. For instance, the International Organization for Migration (2019) estimates that more than 11,500 people alone died in the Mediterranean between 2014 and 2018, trying to get to Europe.

The need to be 'permitted' to cross an international border is a fairly recent phenomenon. While the first travel documents in Europe were probably issued during medieval times, passports and visas only became a widespread and enforced policy on the European continent at the beginning of the First World War. Torpey's (2000) work demonstrates how the administrative use of passports and identification papers enabled states to monopolise the legitimate means of movement. In his autobiography *The World of Yesterday*, the Austrian writer Stefan Zweig (1943, p.410) describes this as an enormous loss, an 'immense relapse' and 'diminution' of 'civil rights', lamenting, 'Before 1914 the earth had belonged to all'. He explained:

> [I]t always gives me pleasure to astonish the young by telling them that before 1914 I traveled from Europe to India and to America without a passport and without ever having seen one. One embarked and alighted without questioning or being questioned, one did not have to fill out a single of the many papers which are required today. The frontiers which, with their customs officers, police and militia, have become wire barriers thanks to the patholog-

ical suspicion of everyone against everyone else, were nothing but symbolic lines which one crossed with as little thought as one crosses the Meridian of Greenwich.

But it was even more recently that the idea of 'illegal migration' rose to prominence. According to Andersson (2014), who investigates how the people smuggling industry at Europe's borders functions, it was not until the 1970s oil crisis and the following economic stagnation, which reduced the demand for labour, that this terminology took on broad importance in the USA and Europe. He points out that the term 'illegal immigration' is not just pejorative but also incorrect, implying that migrants are criminals even though migration is not a criminal act (p.17). However, governments increasingly try to criminalise immigration, a trend that García Hernández (2014) calls 'crimmigration'. Italy even attempted to criminalise the rescuing of drowning migrants in the Mediterranean Sea as a form of assisting illegal immigration in 2019.

This trend is not limited to the USA and Europe, but also affects other regions of the world. Brachet (2018) illustrates how attempts of European countries to fight 'illegal immigration' resulted in the tightening of border controls across Northwest Africa. As a consequence, the irregular but highly visible travels across borders that used to be the norm and had existed in the region for decades were replaced by 'specialized passenger transport as a clandestine activity'. He concludes that it was ultimately EU migration policies that produced the migrant smuggling economy, increasing the travel costs for people and criminalising bus drivers by viewing them as smugglers or traffickers.

Looking at the US–Mexico border, Sanchez's work demonstrates that most 'smugglers' are ordinary people, not profit-driven criminals, who 'hope to improve the quality of their lives and that of their families' (2015, p.6). However, just like in the context of smuggled goods, increased prosecution has resulted in a growing professionalisation of how people smuggling works. According to Slack (2019, p.159) fewer people in Mexico now rely on guides from their hometown, who take groups of friends across border once or twice a year, but instead use guides whose primary source of income is the smuggling of migrants and who cross the border on a more regular basis.

Driven by policies on 'illegal immigration', the business of smuggling people has become very lucrative. UNODC estimates that it created an income of US$5.5 to 7 billion for smugglers in 2016 (2018a, pp.22–3). But it is not just the smugglers who benefit. Andersson's (2014) work on

migration from Mali and Senegal to Spanish enclaves in North Africa shows how governments, security forces, aid organisations, and private companies profit from the funds that flow into the management of irregular migration.

In this book we will encounter a wide range of smuggling practices, of licit and illicit goods, of people smuggling and human trafficking. Most of the smuggling activities in Southeast Asia are best understood as ordinary economic activities of border communities. People use irregular border crossings to get to work, to find a new job or to meet friends; rice that is cheaper on one side of the border is smuggled to the other side. These local transnational dynamics are paralleled by the flows of goods and people across multiple countries and borders. Cigarettes from the Philippines are smuggled to Thailand; methamphetamines from Myanmar's Shan State are distributed across the region; Rohingya refugees from Rakhine State are smuggled via Bangladesh and Thailand to Malaysia and often end up being trafficked. Often borders are porous so that the level of monopolisation is low in many sectors of the smuggling economy, particularly with regard to the smuggling of daily consumption goods. Nonetheless, smuggling is not only a source of income for the smugglers; the authorities in Southeast Asia also benefit in many ways from these activities.

WAR ECONOMIES

As states are the ones setting the scene for the smuggling economy – providing smugglers with opportunities by declaring goods illegal, by imposing high tariffs or by charging high taxes while attempting to limit their activities through law enforcement and border control – conflict zones could be wonderlands for smugglers. Armed conflicts tend to reduce local production and increase the prices for goods while weakening the state and limiting its capability to control its territories and borders. Hence, conflict zones seem to create the space for a flourishing smuggling economy.

While this is partly true, it has to be seen in the context of a generally different type of 'order' that characterises conflict zones. Wars are commonly viewed as a transition phase in which one party wins against another and establishes a new political order. And, indeed, wars played an important role in the formation of nation states in Europe, a process of monopolising force, legitimacy and economic means in a certain territory that ultimately resulted in what we would describe as a state today (see

e.g. Elias, 1982 [1939] and Tilly, 1992). However, today's armed conflicts often are stable political and economic orders in themselves. Different political authorities – such as, most prominently, the state and non-state armed groups that oppose the state – compete over control and influence. But despite the competition on the surface-level, these conflicts are often underpinned by vested interests. Scholars such as Kaldor (2012) and Keen (2008) illustrate how many wars and conflicts appear to have become 'endless' because they provide economic opportunities and therefore incentives to continue the war. While Collier and Hoeffler (2000; 2004) argue that conflicts are driven by greedy rebels, Keen (2012) points out that also state actors' greed is an important driver of conflict.

Kaldor shows the range of opportunities for armed actors during conflicts, including not just looting but all kinds of 'taxes' and 'fees', for instance on humanitarian aid, at checkpoints and on various forms of illegal trade (2012, pp.107–13). Such a war economy or 'clandestine political economy of the war' (Andreas, 2004, p.30) can become fairly stable. It turns wars into what Kaldor (2012) calls 'mutual enterprises' between the conflict parties, where the goal is not winning but continuing violence in order to maintain the established war economy that benefits primarily the armed political authorities.

In such a context, ordinary people are often pushed into what Goodhand (2003, pp.3–4) describes as a 'coping economy', requiring them to diversify their economic activities in order to survive. We have gained a particularly detailed understanding of how war economies function through research on Afghanistan. For instance, Goodhand's analysis shows that while the international community tends to focus on drug smuggling, the smuggling of other commodities in Afghanistan generated much more revenue in the 1990s (2005, p.199).

A strand of literature has evolved that investigates governance in territories that are characterised by a low degree of monopolisation of force, the politics and economics of what is sometimes called 'wartime orders' and 'governance in areas of limited statehood'. Smuggling certainly is an important sector of wartime economic orders, particularly in borderlands. During wars many people rely on it to help them to escape from violence and conflict-induced instability and poverty. Smuggling affords people access to vital goods that cannot be produced locally under conflict conditions and provides them with a source of income when there are few other employment options.

In a way, the assumption of the war zone being a smugglers' paradise appears to be correct. But what role armed groups, both state actors and

non-state actors, play in the smuggling economy of conflict zones and how their activities relate to those of normal smugglers remains little understood. It is a common assumption that especially non-state armed groups generate considerable revenues from the smuggling economy. This idea has become dominant in the policy discourse, particularly the debates surrounding the conflict–crime nexus, driven inter alia by studies of terrorist groups and networks. For instance, Shelley (2014) describes how 'entangled' terrorism and transnational crime are, with terrorist groups generating revenue through criminal activities such as kidnappings, the smuggling of drugs, human trafficking and arms trade. But global terrorist networks that want to create instability are a very different type of actor to local non-state armed groups in conflict zones that want to govern and establish control.

A rising field of research is concerned with how such non-state armed groups govern (see e.g. Ahmad, 2017; Arjona, 2016; Bojicic-Dzelilovic and Turkmani, 2018; Brenner, 2019; Idler, 2019; Jackson, 2018; Mampilly, 2011; Thakur and Venugopal, 2018). Their work shows that non-state armed groups differ from criminal groups, as they are a form of political authority, often with sophisticated state-like governance structures, providing services, collecting taxes and maintaining international relations. Nonetheless, there is evidence that some non-state armed groups do benefit, at least indirectly, from the smuggling economy. For example, Jackson's (2018) work on Afghanistan's Taliban shows that the group generates a considerable amount of revenue through local taxes, which also includes a tax on the production of opium that is later smuggled out of the country. Similarly, the Revolutionary Armed Forces of Colombia (FARC) charged a tax on coca production in areas they controlled. In the Democratic Republic of the Congo (DRC), non-state armed groups more directly finance some of their activities through cigarette smuggling (Titeca et al., 2011).[4]

So what does the conflict–crime nexus actually look like? Do political authorities follow the same business-minded rationale as smugglers? Do non-state armed groups benefit substantially from the smuggling economy? And what affects an authority's level of involvement and the type of smuggling they become involved in? Responding to such questions, this book sets out to gain a more systematic understanding of the role political authorities, state actors, and non-state armed groups play in the smuggling economy of conflict zones. It does so through a comparative study of borderlands in Southeast Asia that are characterised by armed conflict.

Southeast Asia is well suited for this kind of analysis. Not only are long-standing armed conflicts widespread in the region, there also are numerous armed groups. In Myanmar alone, various non-state armed groups are at war with the military. Some conflicts and episodes of violence in Southeast Asia have gained broad international attention, such as the large-scale displacement of Rohingya in 2017. Other conflicts take place outside of the limelight, such as the violence in the south of Thailand. The analysis shows that non-state armed groups are not a homogeneous type of actor. For example, the Kachin Independence Army (KIA) in Myanmar is fighting the production and smuggling of drugs while generating substantial revenue from taxing the extraction and export of national resources. Meanwhile, Barisan Revolusi Nasional (BRN) in Thailand appears to play almost no role in the smuggling economy at all. However, the analysis also illustrates that it is often state actors who benefit from the smuggling economy much more than supposedly greedy non-state armed groups.

CONCEPTUAL FRAMEWORK AND FINDINGS

The empirical chapters of the book illustrate that there are three key factors that shape the consideration of political authorities – both as groups or organisations and as individuals who are part of these organisations – whether and in what role to get involved in the transnational smuggling economy of conflict zones.

1.   Incentive to Smuggle: Funds & Supply

The first factor is the economic incentive to smuggle. The most obvious incentive for an authority to get involved in the smuggling economy is to make money. Smuggling is a way to garner funds, for groups in the form of revenue, and for individual members as a source of personal income. This is done either through direct involvement or, more indirectly, from taxing smugglers or charging them fees. Groups with other sources of revenue, such as external financial support, may have a lower incentive to earn money this way.

Beyond access to funds, participating in the smuggling economy may also be necessary to ensure access to vital funds and supplies, goods that are difficult to obtain otherwise. This is particularly the case for non-state armed groups – simply due to their lack of international recognition. While states can legally import goods, most of the cross-border economic

activities of non-state armed groups may be considered 'illegal' and categorised as smuggling, even when such groups control territory and are *de facto* states. But non-state armed groups, like states, still need supplies, including weapons, which cannot be sourced locally. Beyond weapons, non-state armed groups may, for instance, also have to smuggle their own fighters across international borders, either because they control the borderlands themselves and cannot acquire the necessary documents from the state that they are fighting or because they have to avoid detection from the state actors that are in control.

2.　Ability to Smuggle: Territorial Control

The second factor is the ability to get involved in the smuggling economy, which ultimately depends on an authority's power and influence, most importantly manifested in its territorial control. While there are incentives for almost all authorities to get involved in the smuggling economy, those authorities that control territory in borderlands and parts of a border, or at least important bottlenecks on the way to the border, have the opportunity to be involved in the smuggling business on a considerably larger scale than those that do not. They can easily transport, or facilitate the transportation, of goods or people across the border to or from neighbouring countries. Similarly, on the individual level, employees or fighters of a political authority that controls territory have more opportunities to get involved in smuggling than those who support authorities with less control.

This, in turn, makes authorities that control territory in borderlands attractive partners to smuggling networks. Furthermore, working with such an authority reduces the risk involved in smuggling as it has the capability to protect smugglers and provide them safe passage. Conversely, political authorities that do not control territory and operate underground have to avoid detection from the authority that is actually in control, limiting their ability to smuggle goods or be valuable partners in smuggling networks.

3.　Obstacle to Smuggling: Legitimacy & Accountability

The third and final factor is political. Authorities may need to construct local legitimacy, which usually limits their involvement in the smuggling economy. Drawing on Weber, legitimacy can be seen as a source of authority. It ensures voluntary obedience to social control and can be con-

trasted with coercion, the second main source of authority (see Weigand, 2015; 2017). People bestow legitimacy based on their own needs and values.[5] In order to construct legitimacy, authorities have to implement measures that match people's expectations. Addressing people's needs results in instrumental legitimacy, which can offer short-term support. Meanwhile, addressing people's value-based expectations results in substantive legitimacy that offers more stable, long-term support (ibid.).

The need to build legitimacy can vary from authority to authority, depending, among other factors, on its resources and the extent of external support.[6] In order, for instance, to recruit supporters for its armed forces, an authority either needs substantive legitimacy or be considered a cause worth fighting for, offering prestige and social recognition. Alternatively, an authority may be able to 'buy' support in the short term, drawing on instrumental legitimacy by providing a good salary, and it can coerce people into fighting for them.

Authorities that are not limited by legitimacy considerations can get heavily involved in the smuggling economy to generate as much revenue as possible and fund their expensive coercive rule.[7] Authorities that seek local legitimacy have to limit their visible and locally known involvement in activities that are considered to be 'bad' or harmful locally, including in the smuggling economy. What is considered to be harmful and legitimate may vary across contexts, depending on people's needs and values. This organisational interest of a political authority translates to the individual level of employees and fighters throughout the hierarchy, which ensures accountability on the local level. For instance, drug smuggling and human trafficking are often perceived as harmful, making it difficult for an authority to be involved in it without risking its substantive legitimacy being undermined, requiring it to address cases of corruption in its own ranks that enable such activities or to hide them at a high risk. Conversely, not charging additional fees on smuggled daily consumption goods and ensuring the cheap import of goods from neighbouring countries – thereby tolerating smuggling activities – may even help to build instrumental legitimacy.

While this is by no means an all-encompassing theory, as there may be additional aspects to consider in certain cases, these factors do offer a good understanding of why different authorities play different roles in the smuggling economy. Ultimately, any political authority must consider all three factors, whether it is aware of it or not, and the balance it strikes shapes its role in the smuggling economy. This is complicated by the fact that the dimensions are dynamic and connected to each other. For

example, controlling territory enables an authority to generate revenue through other means, such as, in particular, taxes. Despite having access to the smuggling economy it lowers the incentive to enter it, potentially jeopardising local legitimacy that an authority needs to maintain control and collect taxes. Meanwhile, a lack of legitimacy can, to some extent, be compensated with money that can be generated through a more extensive involvement in the smuggling economy, which, however, further undermines the authority's legitimacy.

TYPES OF AUTHORITY

Drawing on the three factors shaping an authority's involvement in the smuggling economy we can develop four ideal types. Ideal types are a heuristic conceptual tool that over-emphasises key characteristics of complex social constructs that we want to describe, highlighting the 'extremes' to develop a black-and-white typology. Drawing on Weber, an ideal type is best understood as a utopia that 'cannot be found empirically anywhere in reality' (1949 [1904], p.90; see also Friedrichs, 2010). Nonetheless, such ideal types can help us to describe and explain empirical phenomena and, in our case, to roughly categorise authorities in the following empirical chapters.

In our given case, I consider all authorities to have an incentive to be involved in the smuggling economy – to import necessary goods and/or simply to generate funds. The two factors that are therefore crucial in determining an authority's role are its ability to be involved through its territorial control and the limiting political consideration of local legitimacy.[8] Hence, we can distinguish four types of authority (Table 1.1), each playing a distinct role in the smuggling economy.

Table 1.1   Types of authority

	Legitimacy +	Legitimacy −
Territory +	Legitimacy-Seeking Ruler	Legitimacy-Indifferent Ruler
Territory −	Legitimacy-Seeking Rebel	Legitimacy-Indifferent Rebel

While controlling territory and therefore being able to get involved in the smuggling economy easily, the *legitimacy-seeking ruler* is concerned about its local legitimacy. Hence, this type of authority limits its involve-

ment in the smuggling economy to activities that are not considered to be harmful locally. It may be involved in smuggling activities that are locally accepted.

The *legitimacy-seeking rebel* does not control territory but wants to build, maintain or enhance its local legitimacy. Lacking the ability to have significant involvement in the smuggling economy and being further limited by legitimacy considerations, this type is a marginal player in the smuggling economy. Rebels of this type are most likely to be involved in smuggling primarily to obtain important supplies.

The *legitimacy-indifferent ruler* is in control of territory but is not concerned with its local legitimacy. Such rulers have no compunction about exploiting people and territory and can do so effortlessly. Such an authority may be involved in any type of smuggling business on a large scale, either directly or indirectly through taxes and fees.

The *legitimacy-indifferent rebel* does not control territory nor does it attempt to build local legitimacy. Its involvement in the smuggling economy is therefore only guided by economic needs and interests. Usually, driven by purely economic concerns, it focuses on exploiting people and territory as much as it can. Not aiming for social control, this type is similar to the idea of a 'greedy rebel' (e.g. Collier and Hoeffler, 2000; 2004) that is better viewed as a criminal group than a political authority.[9]

The four types are analytical ideals, and as such no authority in an empirical case will perfectly fit any of them. However, the ideal types nonetheless allow us to position authorities on a spectrum between these extremes. While the ideal types are static, empirical authorities may change their characteristics over time. Generally speaking, these ideal types can be used to categorise any political authority. Nonetheless, they are more suited to the analysis of armed groups than conventional state actors. While state actors typically (though not necessarily)[10] are 'rulers' that control territory, armed groups may cover the entire spectrum of ideal types.

METHODOLOGY

I set out to gain a better understanding of the relationship between conflict and crime and the role political authorities, especially non-state armed groups, play in the smuggling economy. For that purpose, I con-

ducted comparative research in four border regions of Southeast Asia, which serve as case studies:

1. Thailand–Malaysia (land border)
2. Myanmar–China (land border)
3. Bangladesh–Myanmar (land border)
4. Indonesia–Malaysia–Philippines (maritime border)

I conducted more than 100 interviews in the borderlands of Bangladesh, Myanmar, Thailand, Malaysia, Indonesia and the Philippines in 2017/18, talking to members and supporters of non-state armed groups, smugglers, government officials, civil society activists, victims of the conflicts, and people who were smuggled or trafficked. Hence, this book provides detailed insights into the perspectives of the various parties that are involved in and affected by armed conflict and transnational crime and enables us to approach the topic from different viewpoints, including a political one set around the conflict dynamics and an economic one set around the smuggling.

The interview questions were open-ended and set around the topics 'armed conflict', 'non-state armed groups', 'smuggling of goods', 'smuggling of people', and 'role of state officials'. Building on the statements on these topics, links, overlaps and connections between the topics were identified. To protect the interviewees their statements have been anonymised. The interviews were complemented by ethnographic observations, offering thick descriptions and detailed insights into the local dynamics. In addition, I drew on conversations with experts and on secondary sources, such as reports, media reporting, and academic publications.

It was not possible to verify or triangulate all individual claims made in interviews. It comes with the territory, research on crime and research in conflict areas, that access is often difficult and information is contested. Hence, interviewees' perceptions as well as my own should not be uncritically viewed as objective facts and some empirical insights stated in this book may have to be revised in the future on the basis of further information. However, the comparative character and the work across four border regions support robust conceptual and theoretical conclusions.
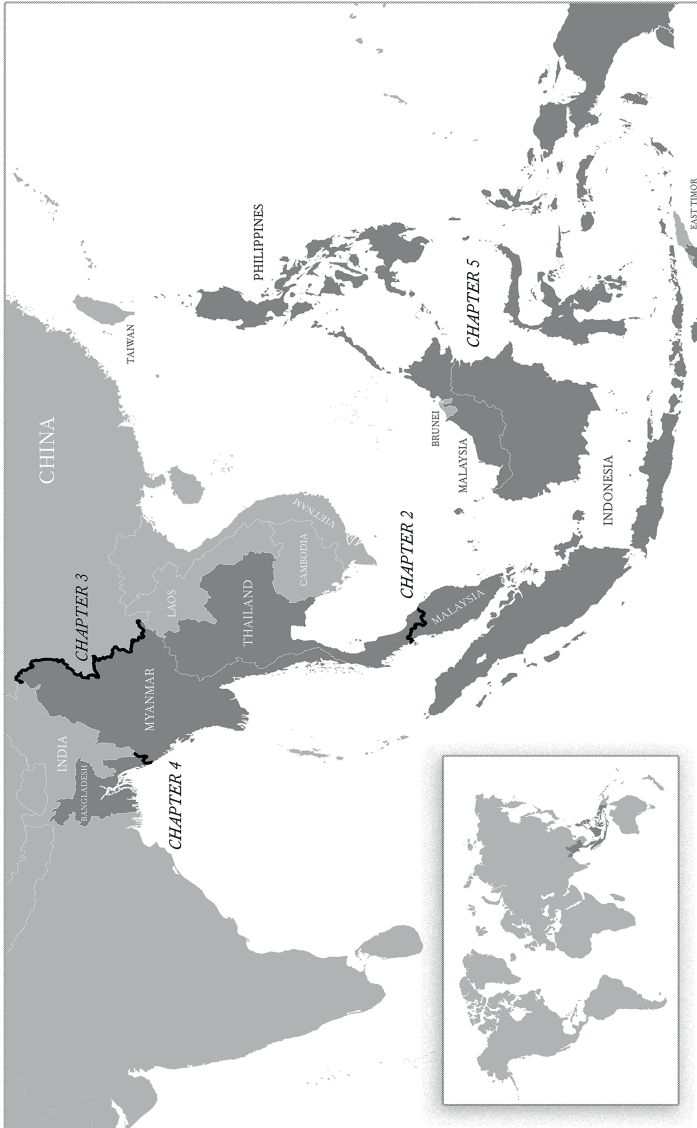
Figure 1.1   Southeast Asia[11]

OUTLINE

The following chapters will explore the conflict dynamics and smuggling economies in the four Southeast Asian borderlands, paying particular attention to the role of armed groups in the smuggling economy (Figure 1.1). Each chapter is structured in a similar way and can be read as an independent analysis, without requiring an understanding of the other case studies. I will first provide background information on the area's conflict dynamics, shedding light on the main conflict parties, before investigating the local smuggling economy, considering both the smuggling of goods and the smuggling of people. Then I will have a more detailed look at how smuggling and armed conflict connect, and investigate general links as well as the specific roles of state and non-state actors in the smuggling economy. Finally, I will develop conclusions on the conflict–crime nexus in each border region and, drawing on the ideal types, explain the role of armed groups.

Chapter 2 looks at the border between Thailand and Malaysia, where violent conflict has been ongoing for more than 50 years. Insurgency groups like the Barisan Revolusi Nasional (BRN) are fighting for independence. While this conflict experienced a spike in violence around 2007, hundreds of mainly small attacks continue to take place every year. In addition to the conflict, the border is home also to a vibrant smuggling economy. It is a major regional transit route for the smuggling of licit and illicit goods, including drugs.

Myanmar's northern Kachin and Shan States, in close proximity to the Chinese border, are the subject of Chapter 3. The Kachin have the Kachin Independence Army (KIA), one of the most prominent ethnic armed organisations in Myanmar, with an estimated 10,000 troops. In Shan State groups such as the Ta'ang National Liberation Army (TNLA) are active. Myanmar is also one of the main countries of origin of illegal drugs, natural resources, migrant workers, and trafficked people in the region, much of which are smuggled across the border into China.

In Chapter 4, I will examine a protracted episode of violence in August 2017 that resulted in the displacement of more than 700,000 Rohingya refugees from Myanmar, who crossed the border into Bangladesh. A number of non-state armed groups are active in the area, most prominently at the time the Rohingya insurgency group Arakan Rohingya Salvation Army (ARSA). The large number of refugees who wanted to cross the Naf river from Myanmar to Bangladesh was an opportunity

for people smugglers. The river is also a major smuggling route for licit goods, including daily consumption goods such as instant coffee, as well as illicit goods. Drugs, which are produced on a large scale in Myanmar's Shan State, are smuggled across the river into Bangladesh.

Different types of non-state armed actors are also active in the maritime border region of Indonesia, Malaysia and the Philippines, the subject of Chapter 5. In Mindanao, in the south of the Philippines, organised non-state armed groups fight for more regional autonomy of the Moro people. Meanwhile, other non-state armed groups, particularly the Abu Sayyaf Group (ASG), have more criminal motives. In Indonesia, more extremist networks, some linked to the Islamic State, conduct attacks that are often directed against civilians. But the area is also home to a flourishing smuggling economy. Because of its maritime character and large size, including many small islands, the area is difficult to patrol, rendering it a popular smuggling route for all goods as well as many migrant workers who try to find work in Malaysia.

In the concluding chapter I will compare the findings from the four empirical chapters, identifying general trends and overarching themes. I will show that even though there is a conflict–crime nexus, there is also a striking conflict–crime disconnect. Finally, drawing on the outlined conceptual framework and ideal types, I will explain the involvement of different political authorities in the smuggling economies of conflict zones, particularly the dominance of state actors over non-state actors.

NOTES

1. Non-state armed groups are also often called rebels or insurgents. I use the terminology interchangeably in this book as different labels are commonly applied to these actors in different countries across Southeast Asia. There are certain drawbacks with all three terms. The term 'insurgency' is commonly associated with military language and 'counter-insurgency' measures, implying that the group is illegitimate. The word 'rebellion' does not capture all contexts as not all groups fight against the state; for instance, a group may be primarily driven by monetary considerations, nor is a rebellion necessarily violent. Describing these actors as 'non-state' might also be considered unsuitable by many, including the groups themselves, as they usually aspire to gain independence and to be states. Furthermore, they often already control territory and govern populations, hence, *de facto*, are states. However, as they lack international recognition as *de jure* states we can nonetheless consider them to be 'non-state' actors.
2. My understanding of authority rests on Weber's work who defines it as 'the chance of a specific (or: of all) command(s) being obeyed by a specifiable

group of people' (1980 [1921], p.122). Drawing on this definition I view authority as the ability to achieve obedience. Authority does not require territorial control and competing authorities may exist in one territory. In a political context, typical authorities are the state as well as non-state armed groups. However, also elders or religious figures can be political authorities (see Weigand, 2017).

3. According to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, Article 3, Paragraph a, '"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring 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 the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.'

4. The role non-state armed groups play in the economy is important for how they are perceived locally. For example, Ahmad's (2017) work on views and preferences of business communities in conflict zones shows that these communities often support Islamist groups over other armed groups, assuming that their governance would result in lower costs and taxes.

5. This empirical understanding of legitimacy is based on the needs and values of the local population, not on the understanding of what I or other outsiders think is right or wrong.

6. An authority's relationship with the local population – both in terms of revenue generation and legitimacy – vis-à-vis its ability to draw on external funding and legitimacy is particularly important.

7. While most authorities combine substantive and instrumental sources of legitimacy, others may exercise social control almost exclusively through coercion and/or instrumental legitimacy, for example, offering money to some and suppressing the rest. However, such a strategy does usually not offer stable governance and is expensive to maintain. It requires sufficient financial resources or a high degree of external legitimacy resulting in extensive financial and/or military support from another authority.

8. When considering legitimacy in this context I am not measuring the extent of an authority's political control (see e.g. Thakur & Mampilly, forthcoming) or an authority's public perception. Instead, I am looking at the need to build legitimacy from the authority's point of view as something it has to be concerned about – or not (see Weigand, 2015, for a discussion of the different dimensions of legitimacy).

9. At the same time, externally funded groups may limit their involvement in the smuggling economy. For example, this could be small terrorist groups or networks that operate underground and have no need to generate revenue as they are externally funded through the umbrella organisation. In addition, they usually lack human resources and want to avoid unnecessary risks.

Instead of trying to gain territorial control or building local legitimacy, they aim at creating instability through violence. Their role in the smuggling economy will be shaped by their needs only, such as the smuggling of weapons that are necessary for attacks. Such actors are not connected to the wider local population. They have neither the need to generate additional revenue, nor an interest in controlling territory, nor a concern about local legitimacy.

10. State actors are usually rulers; however, in a given borderland they may not have local control of territory. Hence, the ideal types can also be used for the analysis of state actors.
11. All maps by Grace Fussell.

2. Underground struggle & licence to smuggle: the Thailand–Malaysia border region

'They usually come in the evenings, every three to four days. They arrive by bus and are smuggled across the border to Malaysia here. It's people from Myanmar, Laos, Bangladesh and Northern Thailand. Then they are picked up again on the other side.'[1] This is how a resident from Narathiwat province in Southern Thailand, at the Malaysian border, described the people smuggling activities in his area.

All sorts of licit and illicit goods are also smuggled across the Golok river, which defines the border between Thailand's Narathiwat province and Malaysia. Petrol is cheaper in Malaysia and is smuggled to Thailand; conversely cooking oil is cheaper in Thailand and is smuggled to Malaysia. Meth from Myanmar's Shan State is smuggled across the river and cigarettes from the Philippines pass through Malaysia and are sold in Thailand.

The southern part of Thailand (Figure 2.1), the so-called Deep South, is not only a popular transit route for smuggled goods and people, a violent conflict between an independence movement and the Thai state has been going on for decades, particularly in the provinces of Yala, Pattani and Narathiwat. Checkpoints and Thai army soldiers are everywhere. Hundreds of mainly small attacks take place every year (Abuza, 2017). The conflict cost more than 7,000 people their lives between 2004 and 2018 (Blaxland, 2018; see also Abuza, 2016).

In order to explore the link between armed conflict and the smuggling economy, I conducted research in the area in November 2017 and February 2018, covering both sides of the border in Thailand and Malaysia. On the Thai side of the border, I worked in the provinces of Pattani, Yala, Narathiwat and Songkhla. On the Malaysian side of the border, I spent my time in Kelantan province.

Figure 2.1   Thailand–Malaysia border

BACKGROUND: A BRIEF HISTORY OF ARMED CONFLICT IN THAILAND'S DEEP SOUTH

The violent conflict in Thailand's Deep South receives little international attention even though there were more than 18,000 security incidents between 2004 and 2018 (Blaxland, 2018). The conflict has been ongoing since the early 1900s, making it one of the oldest conflicts on the continent (Burke et al., 2013).

The roots of the conflict are closely linked to the formation of the Thai state. The majority of people in the Deep South, in the provinces of Yala, Pattani, Narathiwat and, to some extent, Songkhla, share an identity that they consider to be different from the rest of Thailand, creating the basis for a strive for independence through armed conflict. The majority in Thailand is Buddhist and speaks Thai, but the Deep South, with a population of circa two million, is predominantly Muslim (75–80%) and speaks Malay (Burke et al., 2013, pp.1–2; ICG, 2012, p.1; McCargo, 2014). While the conflict is therefore often described in religious terms, the local identity has multiple facets. Thailand's Deep South and the northern parts of Malaysia used to form the independent Patani[2] Kingdom for several hundreds of years. In 1786, the Siamese army conquered the kingdom and turned it into a loosely connected tributary state of Siam (McCargo, 2014).

The foundation for the conflict that continues today was set in 1909 when the Kingdom of Siam and the United Kingdom signed the Anglo-Siamese Treaty that determined the border between Siam and the British protectorate of the Federated Malay States. As part of the agreement, the Patani Kingdom formally became part of Siam, while the areas further south, Kedah, Perlis, Kelantan and Terengganu, which share the same religion and language, became part of what Malaysia is today. In the following centuries, and particularly after Siam had become Thailand in 1946, the central state sought to construct a national identity, inter alia, based on the Thai language and the Buddhist religion. Those in the former Patani Kingdom saw this as a threat to their own Patani identity (Horiba, 2014).

With the independence of Malaysia in 1957, Malay nationalism likewise started to grow in the Deep South of Thailand, leading to a burgeoning Malay Muslim identity. The Thai government sought to stem the problem by encouraging Buddhists to migrate to the south in order to strengthen the 'Thai' identity of the region. This fostered the perception

in the south of being colonised and stripped of its own identity. Armed groups fighting for independence – for instance the Barisan Revolusi Nasional (BRN), the Patani United Liberation Organization (PULO) and Barisan Nasional Pembebasan Patani (BNPP) – evolved and conducted frequent violent attacks on the Thai military, such as shootings and bombings. The 1960s to the early 1980s are considered to be the most severe phase of insurgent violence in the region (McCargo, 2014, p.3).[3]

In order to pacify the conflict, the Thai government under Prime Minister Prem Tinsulanonda established the so-called Southern Border Provinces Administrative Center (SBPAC) in 1981. Through SBPAC, the Thai government worked with Malay Muslim leaders and invested in infrastructure and education and offered a 'surrender for amnesty' pro-gramme (Burke et al., 2013; ICG, 2012; McCargo, 2014). And, indeed, the level of violence went down and only escalated again after the new prime minister of Thailand, Thaksin Shinawatra, abolished SPBAC in 2001 and strengthened the role of the security forces in the Deep South.

Tensions quickly started to grow again. Bombings conducted by the armed groups and fighting between security forces and armed groups resulted in a high number of casualties. In 2004, security forces arrested 78 protesters and confined them in trucks where they suffocated. Such incidents helped to further strengthen the narrative of an oppressive Thai government and a victimised local population.[4] Most casualties of the conflict have been civilians (Asia Foundation, n.d., p.173).

SBPAC was re-established in October 2006.[5] SBPAC officials I inter-viewed in 2017 emphasised that the 'Thai government wanted to show understanding' and that they tried to enable people in the Deep South to have normal lives. They pointed to the centre's work aimed at improving the economy and the education system in the region as well as the incor-poration of Islamic religious teaching into the public school curriculum and the fact that the state funds Hajj pilgrimages to Mecca each year for 200 of the area's Muslims.[6]

In 2013, members from six different movements, including BRN and PULO, formed an umbrella group called MARA Patani to enter peace talks with the Thai government.[7] The Malaysian government provided a mediator, Ahmad Zamzamin Hashim, the former director of the Malaysian External Intelligence Organisation. Thailand sent a ten-member team into the negotiations that included representatives of the National Security Council, SBAC and the police. However, McCargo points out that the Thai team was unprepared for the talks; they had no strategy or plan and approached the talks without negotiating expertise

(2014, p.7). The representatives of the insurgency may not have been well-placed to broker peace either (see also Chalermsripinyorat, 2015). Although BRN is the most influential insurgency group, its role in the peace process appears to have been marginal. The discussed solutions did not address their key concerns of justice and accountability for violence by security forces and paramilitary groups against the Patani population. In the interviews, supporters of BRN repeatedly voiced their frustration with the Thai judiciary for their failures, even while they expressed a willingness to support peace negotiations in the future.

In October 2018 the new Malaysian prime minister Mahathir replaced the peace mediator Ahmad Zamzamin Hashim with Abdul Rahim Noor, who had successfully negotiated a peace deal with the Communist Party of Malaya (CPM) in 1989. At that time Thailand appointed a new chief negotiator, General Udomchai Thammasarorat, who has a reputation of being open and accessible (Macan-Markar, 2018). However, the Thai government had not brought in international observers, a demand BRN has made and which interviewees raised repeatedly.[8]

A heavy, visible military presence remains in the Deep South. Cars have to slow down on main roads every other kilometre at one of the myriad military checkpoints where heavily armed soldiers stop and search them. Armoured vehicles frequently patrol the area. Approximately 58,000 Thai troops are currently deployed to the Deep South (Morch, 2018).

THE INSURGENCY: OBJECTIVES AND GOVERNANCE STRUCTURES

In spite of the persistence of the conflict, the Deep South's non-state armed groups control no territory. While it is commonly assumed that fighters retreat to and train in remote mountain areas, the insurgency operates largely 'underground'. Many people in the Deep South are in favour of independence from the Thai state and sympathise with the insurgency. Hence, it is difficult to clearly distinguish the insurgency from the local population.

Barisan Revolusi Nasional (BRN), whose name means the 'National Revolutionary Front', is the most influential of the insurgency groups. It was formed in 1963 at a time when the government was dismantling Islamic education in the Deep South in favour of a secular curriculum (Casey-Maslen, 2014, p.224). Those affiliated with the BRN who I spoke with see independence as the group's main objective, but some of them acknowledged it was unlikely. They seemed open to compromises and

suggested that having more autonomy, with local people being in control of their area, could be an acceptable solution. Interviewees admitted that the heavy Thai military presence made it difficult for them to operate, but expressed no interest in abandoning the cause.

The fight of the BRN and the motives that underpin it are very local-ised. They have no ties to transnational terrorism groups such as the Islamic State (IS) or Al Qaeda, a point the supporters of the BRN who I spoke with emphasised; likely because Thai government officials often claim that such links exist (see e.g. *The Nation*, 2018). The International Crisis Group (ICG) summarises the situation thus: 'Malay-Muslim mili-tants have long framed resistance to the Thai state as a jihad, though their aims are primarily nationalist. Theirs may be characterised as an irreden-tist or "nation-oriented" jihad, i.e. a fight against non-Muslims for a par-ticular territory' (2017a, p.1). In contrast to the extremist Salafi-jihadism of the IS and Al Qaeda that fight against nation states and for a caliphate, groups like the BRN explicitly fight for an independent nation state (ibid., pp.1–2). The ICG notes that the Deep South is 'not a sympathetic milieu for transnational jihadism' (ibid., p.i).[9]

The interviewed insurgents claimed that BRN has around 300,000 members and that its governance structure consists of eleven departments that have responsibility for issues such as youth action, economic affairs, religious affairs, and military action. Meanwhile, an ICG report from 2012 notes that the Thai government officially estimates that the BRN consisted of 3,000 fighters and 10,000 further supporters. An independ-ent study from 2006 estimates that 100,000 to 300,000 people view the group favourably and are willing to provide practical support (2012, p.3).

The interviewees explained that BRN includes people from all walks of life, including high school age youth and government officials. Most villages in the region have a single designated BRN 'representative' with primary responsibility for recruitment in that village. McCargo reports that the movement consists of small cells of locally recruited people who are often quite young (2008, p.142). However, most people recruited are supporters without actual combat duties (ibid.).

According to the interviewees, the BRN has four distinct ways of generating income. First, each member pays a monthly membership fee to the group on a sliding scale based on income; dues can be as little as 60 Baht (*c*. US$1.80) per month. Second, if the BRN plans special operations, such as an attack, members may fast for a day and donate the money they would have spent on food for the day. Third, BRN members may walk from house to house, asking for additional donations. Fourth,

BRN invests in businesses, particularly cafés and restaurants abroad, most of which are in Europe or Malaysia.

The Patani United Liberation Organization (PULO) was historically a highly significant player in the movement for Patani independence, although its influence has receded. In interviews, supporters stated that PULO now emphasises political action over military operations, and that this distinguishes it from BRN. PULO was a strong military group in the 1970s and 1980s, when fighters were trained in Libya and fought in Palestine, and when financial support was coming in from the Middle East. However, external support began to dry up in the 1980s. The group's influence started to decline. According to the interviewees, PULO still relies primarily on donations. It does not ask members to contribute but it has wealthy supporters in the Deep South and in Europe. However, interviewees were sceptical of its influence. They said BRN had learned a lesson from PULO's decline in influence and concluded that they required sources of income more reliable than external donations.[10]

The insurgents in the Deep South are considered to be responsible for a range of attacks, including on civilians. But only on rare occasions do insurgents admit responsibility for attacks in which civilians get killed (e.g. *Prachatai*, 2016). The interviewed supporters of BRN acknowledged that the group has made specific attacks on Thai military forces, but claimed that the main perpetrator of violence in the Deep South is the Thai military. Politically, the interviewees suggested, the ongoing violence with many civilian casualties helped the military to undermine the legitimacy of the Patani separatist movement and bias the public against them, making people 'dislike the armed groups'.[11]

In addition, they suggested that the Thai military had an economic incentive to maintain tensions. That the military financially benefited from the violence was an underlying theme in interviews. The interviewees pointed to the fact that allocations of the Thai military budget in the Deep South were kept secret, saying this made it easy to divert funds.[12] Likewise, they claimed the army was collecting bribes from the cross-border smuggling business, and that an ongoing level of violence supported its continued presence in an area that afforded that income.

Many supporters of the insurgency argued that the Thai military was drawing on the support of criminal groups to conduct attacks and aiding them in maintaining insecurity. An interviewee insisted: 'The state uses criminals to work for them and create violence.'[13] That the activities of criminal groups are responsible for some of the violence in the Deep South is undisputed. For instance, Connors (2007, p.157) argues that drug

smugglers that hire young people to attack and distract the security forces are responsible for some of the violence. However, most of the interviewees in the Deep South thought that there was a more complex war economy in place, which benefitted mainly members of the Thai military and criminals with whom they were working hand in hand.

Identifying the real perpetrators of the violence and establishing who is responsible for what type of violence is beyond the scope of this research. It is likely that violence is not just committed for political reasons, nor that it is only committed by the insurgents and the security forces. There was widespread agreement in the interviews that at least some attacks were conducted by individuals with personal interests, for 'business purposes'. But in an environment of frequent attacks, it is difficult to distinguish between the different motives and drivers that may underpin them.

THE SMUGGLING ECONOMY

The Smuggling of Goods

Despite the ongoing violent conflict, the region is a vibrant economic area that benefits from trade across the border that largely ignores custom duties. Thailand's southern border with Malaysia can be described as fairly open. While official border crossings with checkpoints exist (Figure 2.2), it is easy to cross the border elsewhere, often even in close proximity to the official border crossings. Individuals, businesses and networks operate across the border.

During my research in the Deep South, I could observe the large-scale 'smuggling' of daily consumptions goods. Goods cheaper in Malaysia, for instance, are transported to Thailand, and vice versa. Thai shopkeepers would usually source any products that are cheaper in Malaysia there. It is mainly individuals and small enterprises who transport goods across the porous border, using their private cars or a small boat.

However, there also are some big businesses, with bigger boats and warehouses (Figure 2.3). Such warehouses are prominent sights on both sides of Golok river, at Thailand's border with Malaysia in Narathiwat Province. Goods are shipped across the river on an industrial scale, whether they be t-shirts going from Thailand to Malaysia or cigarettes coming from the Philippines, passing through Malaysia and being sold in Thailand. A local shopkeeper said that the only shop that sells Thai cigarettes is the international chain 7-Eleven.[15] And once per year, usually

Figure 2.2   Official border crossing Thailand–Malaysia, Sungai Kolok (Thai side, November 2017)[14]

around Chinese New Year, fireworks are smuggled from Thailand to Malaysia, where fireworks are banned.

The state authorities appear to be tolerating the irregular cross-border business. The people interviewed who ship goods on a small scale do not have to pay duties or bribes to the police. People who ship goods on a large scale, and, for instance, run warehouses on the Thai side of the border, pay an informal monthly 'fee' to the police.

In addition to ordinary consumption goods, drugs are frequently smuggled across the border. According to the interviewees, yaba and ice (methamphetamines) that are produced in Myanmar's Shan State were the main drugs smuggled from Thailand to Malaysia at the time. Conversely, heroin smuggling was rare. The margin for methampheta-mines was particularly high at the time of the interviews, with one pill costing around 80 Baht (*c.* US$2.50) in Thailand and 200 Baht (*c.* US$ 6.20) in Malaysia. Interviewees stated that the drug trade was organised very professionally by networks and that it offered 'full-time jobs'.

*Figure 2.3   Smuggling of goods across Golok river from Thailand
                   to Malaysia (November 2017)*

According to interviewees, the smuggling of drugs does not necessarily
happen in remote border areas. Quite the contrary, urban areas offer
better transportation links to the border on the Thai side and further into
Malaysia on the other side. As security forces are usually very present
in such populated areas, the smuggling of drugs across the border often
happens in front of their eyes.

It was common to smuggle guns and ammunition across the border,
but, according to those who used to smuggle them, the business had
decreased since Indonesia granted Aceh significant autonomy in 2005,
ending the local armed conflict.[16] The conflict in the Deep South made
weapons easily available. Interviewees described government employees,
including bureaucrats, who often carry weapons, which they can obtain
cheaply, for self-protection.[17] Malaysia has strict gun laws, making them
difficult and expensive to obtain. This created a considerable financial
incentive to smuggle weapons obtained in Thailand to Malaysia and then
on to Indonesia. According to former gun smugglers, criminal groups
in Malaysia now drive weapons demand, but the smugglers claim to

be more afraid of supplying them. Further, they explained that officials would no longer readily tolerate bribes to smuggle guns, while the smuggling of drugs was still more accepted. In addition to criminal demand, there are some reports of Malaysian IS supporters benefitting from the availability of weapons in Southern Thailand, buying them there and smuggling them into Malaysia (see e.g. *The Straits Times*, 2017; Bodetti, 2018).

Despite being highly regulated and often even having set 'fees', smugglers described the system of bribing officials for smuggling goods across the border in Thailand as more complex than the Malaysian system, which is more centralised. While in Malaysia bribes have to be paid to one agency only (customs), smugglers complained that eight different state agencies collect bribes on the Thai side of the border.

The Smuggling of People

Crossing the Thailand–Malaysia border legally at a regular border crossing is easy, particularly for Thai and Malay nationals who live in the border areas. According to SBPAC, a Memorandum of Understanding between the two countries allows residents of the border areas to gain a 'border pass'. These border passes allow people to cross the border legally at the official border crossings without a passport and a visa and travel up to 25km into the neighbouring country.[18] Many people in the border area also have ID cards and/or a passport from both Thailand and Malaysia.

Using an irregular border crossing is just as easy – if not even easier, as there are considerably more irregular border crossings than regular ones. Taking the boat and crossing the border irregularly costs as little as 20 Baht (*c.* US$0.60). Most people who use irregular border crossings could cross legally, possessing all the necessary documents; they use irregular crossings for convenience. For example, people from Malaysia frequently cross into Thailand for shopping or drinking, as the Malaysian state bordering Thailand is dry.

State authorities often informally regulate irregular border crossings (Figure 2.4). Particularly in urban areas security forces are present on both sides of the border and, at times, check papers at the irregular border crossings. At one irregular border crossing that people from Malaysia often use to go to bars in Thailand, Thai soldiers keep the ID cards of all people who enter Thailand and return them when they get on the boat again to return to Malaysia.

Figure 2.4   Malaysian security forces at irregular border crossing to Thailand (February 2018)

Many Thai work in Malaysia while continuing to live in Thailand; crossing the border is simply part of their daily commute. But there also are people from other parts of Thailand and third countries who cross into Malaysia as migrant workers and stay for months or years at a time. Interviewees explained that there is a significant demand for cheap labour in Malaysia, particularly for the construction business. For instance, at the time of the interviews there was demand for labourers to work on a high-speed train track that would connect the border region with Kuala Lumpur. Meanwhile, according to the interviewees, 30% to 40% of the smuggled people are young women, often with children, who are seeking work as domestic cleaners or housemaids in Malaysia.

Interviewees say a large number of migrant workers are from Myanmar. One interviewee explained: 'The people from Burma are very hard working. Malaysians like them a lot.'[19] Rohingyas were a sizeable group at the time of my interviews and, according to the interviewees, some smuggling groups specialise in smuggling them, charging 4,000 to 5,000 Baht (*c.* US$125–155) per refugee, some of which is used to pay off

officials. An interviewee explained that one such group uses the official papers of dead Thai citizens to help Rohingya to obtain a legal identity.[20] However, according to several interviewees, the number of Rohingya passing through has declined. When most Rohingya became refugees in Bangladesh in 2017, they were confined in camps (see Chapter 4).

Some migrant workers arrive at the border individually or in small groups, and manage the border crossing themselves. Others arrive in groups of 20 to 30 people, having paid to have a network of agents make their passage possible. A smuggler summarised: 'The networks are organised and international. (...) Burmese, Thai, and Malaysian groups work together.'[21] In these cases, an agent takes a group of migrants to the border on the Thai side, and hands them off to somebody with a boat, who then takes them across the river. On the Malaysian side of the river, they hand the group over to another agent, who takes them onwards, usually to Kuala Lumpur, from where they can continue to other parts of the country.

The local people who handle the border crossing are not necessarily 'specialised' in the smuggling of migrants. Even smugglers who, for instance, usually take drugs may also take people across when an opportunity arises, making use of their established networks with the state authorities on both sides. One interviewee explained: 'the smuggling of drugs and the smuggling of people is often done by the same people here. But there might be different bosses.'[22]

According to the people interviewed at the Thailand–Malaysia border, most of the smuggling of people from third countries happens on the western side of the border, in Songkhla Province, away from the conflict in the east. Here smugglers can use a major highway that connects Thailand and Malaysia and there are fewer checkpoints than in the east, as there is less violent resistance to government control in Songkhla, resulting in a far less militarised environment. The interviewees told me that comparatively little smuggling of migrants and illicit goods happens in the east, in the Sungai Kolok–Rantau Panjang area of the border. This is pragmatic as navigating the numerous military checkpoints on the way to the border in Thailand with a truck of migrants must be difficult.

At the same time what smuggling occurs can nonetheless be on a larger scale, with as many as 70 people arriving at a time in peak seasons (e.g. in empty petrol trucks) and crossing the border. But in 2017/18, numbers were low. In mid-February 2018, a number of interviewees in the east reported that the last case of people smuggling they were aware of had happened in early January, when a group of ten people – mainly

Rohingya, but reportedly also including some Vietnamese – were taken across the border to Malaysia. However, not all of the people smuggling is done for money. Some local people help others, particularly refugees like the Rohingya, to cross the border to Malaysia without charging them, out of sympathy for their plight.

SMUGGLING AND ARMED CONFLICT

Smuggling and Insurgents

At the Thai–Malay border, as elsewhere, officials blame smuggling on non-state armed groups. For instance, following an arrest of drug smugglers in Narathiwat in July 2018 the Thai police told journalists: 'We found links between drugs gangs and insurgents. We can confirm that they are connected and have a symbiotic relationship' (*BenarNews*, 2018).

My research cannot compare to a police investigation; however, it does paint a different picture. The interviewed insurgents claimed not to be involved in the business of smuggling or trafficking people. More significantly, the interviewed smugglers stated they do not work with or depend for support on insurgents, indicating that there are no major institutional links between the non-state armed groups and the smuggling business at the border. The armed groups in Southern Thailand operate underground and do not control territory. Hence, they have little to offer smugglers. Nor do insurgents have significant incentives to work with smugglers. Being associated with the smuggling of illicit goods such as drugs, or even human trafficking, could undermine their legitimacy with the local population, upon which they also depend for membership fees, and increase the likelihood of being detected by the security forces.

Looking, for instance, at the smuggling of people, local people do not need the help of insurgents to cross the border and work abroad, as the border is porous. There is no reason to believe, either, that the non-state armed groups in the area depend on networks to cross the border, as security forces do not know their identities and they can cross legally as residents of the border area. The smuggling of people from third countries is organised through networks of agents or brokers, who arrange the entire journey of migrants, often through multiple countries. Given that they evidently avoid the conflict areas in the Deep South in favour of the more peaceful west, it seems unlikely they turn to non-state armed groups for help with securing passage. While insurgents did report on occasion

helping Rohingya across the border, they said they did so, not to make money, but to help fellow Muslims.

With regard to drug smuggling, members of the armed groups said this was against their religious principles. However, other interviewees with a detailed understanding of the local dynamics – who were neither part of the BRN nor part of the security forces, such as local journalists and civil society activists – explained that a complex war economy was in place to smuggle drugs, with connections not just between the army and criminals, but possibly also including some insurgents.[23] While I did not find any further evidence that supports or contradicts this idea, this is certainly possible. Furthermore, some members of BRN may make their personal income through smuggling drugs, people or other goods. Through their membership contributions this would indirectly contribute to BRN's activities, but it does not constitute the symbiotic relationship police had described.

Smuggling and the State

Conversely, I found much stronger evidence of a link between smuggling and the state. Borders, while being at the periphery of the state, are symbolic also of statehood and are usually under close state control. Even though the border separating Thailand and Malaysia is porous, state security forces are very present. Several interviewees pointed out that the enormous military presence of more than 50,000 soldiers makes it impossible to do much without them noticing, which strongly suggests that smuggling depends on their acquiescence (Figure 2.5). A number of interviewees further argued that the army was driving the conflict in order to benefit from criminal activities in the area, particularly, to be able to collect bribes from the cross-border smuggling business more easily.

The research shows that state officials on both sides of the border make considerable profits charging 'fees' for the large-scale businesses that smuggle consumer goods across the border. The acceptance of such practices appears to be so systemic that extra-legal activities scarcely qualify as 'smuggling'. In several cases Thai military officials themselves have been caught smuggling large amounts of weapons into neighbouring countries (see e.g. *The Nation*, 2017). In the context of drug smuggling, a smuggler reported, 'we do not bribe the army, but we sometimes cooperate',[24] pointing at a fairly institutionalised role of the state in the drug

smuggling industry. Meanwhile, both in Thailand and in Malaysia drug trafficking carries capital punishment.[25]

Figure 2.5   People crossing the Golok river from Malaysia to Thailand next to a checkpoint at night (November 2017)

Likewise, the networks of agents that smuggle people over long distances and across international borders seem to have strong links to state authorities on both sides of the border. Many interviewees echoed the sentiment that 'people smuggling can't happen without the state being involved.' One person in Thailand explained in more detail: 'State officials are linked to all activities here. Even a normal businessman who wants to open a company needs the backing of the military. (…) In terms of the smuggling of migrants, people usually travel here on the main road. How would they be able to without anyone noticing it? The state has to close at least one eye.'[26]

   Most of the smuggling of people from third countries happens in the west, where there is no conflict and good infrastructure. Even though state actors often appear to be assisting people smuggling networks, a lower number of checkpoints compared to the conflict region and a lower number of branches of the security forces that are aware of the

smuggling reduces the costs of smuggling and the likelihood of being exposed.

A criminal case that came to light in 2015 represents a rare instance when state agents have been prosecuted for people smuggling. A number of mass graves with remains of victims of human trafficking were discovered in Thailand's Songkhla Province and in Malaysia's Perlis Province. A group of human traffickers imprisoned Rohingya refugees in camps in the border region, tortured them, and demanded ransoms from their families in order to release them. Many Rohingya died and were buried at the camp sites. The investigation resulted in the arrest of state officials in both Thailand and Malaysia who were involved in the 'business'.[27] One interviewee argued that the discovery of graves and the following arrests are likely to be the consequence of competition between different networks, where a rival criminal network had spread information about the graves in order to expand its area of influence.[28] Hence, other networks running similar operations are probably still in place.

One of the camps for abducted refugees that gained attention was located in a forested area not far from the border town Padang Basar. Other camps were located in more remote areas along the border in the same region, in one case a five-day hike through the forest from Padang Basar (see Fortify Rights and Suhakam, 2019, p.41). What makes the border region at Padang Basar attractive for people smugglers is that it offers dense forests to hide camps while having good inland connections. On the Thai side, Padang Basar features a good road connection and a railway station, which connects it with the closest bigger city Hat Yai and even Bangkok. Being located in the far west of Songkhla, the city is also considerably closer to the west coast of Thailand, where many Rohingya refugees arrive by boat. Similarly, on the Malaysian side, the city is well-connected by road and railway.

Going into the forests in Songkhla enables smugglers to avoid public attention. However, this comes at the cost of longer routes without proper infrastructure through often difficult terrain, which makes the smuggling operation more expensive. This makes the forest route suitable for smugglers who do not simply want to cross the border quickly but instead want to prevent people from crossing the border by kidnapping them and holding them (often for months), while engaging in torture and other violent tactics to extract greater ransoms from refugees' families. Even with good links to the state in both Thailand and Malaysia, such inhumane criminal activities, which are strongly rejected by the public, cannot happen in the limelight.

According to the interviewees, the number of trafficked and smuggled people has decreased since the 2015 public scandal.[29] However, this is likely to be the result of a lower 'demand', rather than a lower 'supply', as refugees grew frightened that migration would put them in danger. A number of interviewees stated that networks that facilitated larger-scale immigration before 2015, both humane and inhumane ones, are still in place, waiting for the next surge of people who want to go to Malaysia (see Chapter 4).

Further east along the border, in the provinces Yala, Pattani and Narathiwat, where violent conflict is ongoing, the role of the state appeared to be more passive with regard to its involvement in people smuggling when I conducted my research in 2017/18. Interviewees reported that officials on both sides of the border took bribes from people smugglers. For instance, an interviewee explained that in some cases people smugglers had to pay up to 5,000 Baht (*c.* US$155) per person to Malaysian officials, in addition to a payment to Thai officials.[30] But one interviewee pointed out that there are exceptions. He explained: 'the normal police in Malaysia is bribed. But there is one special unit which doesn't accept bribes.'[31] However, it remained unclear whether that unit would arrest smugglers.

While some involvement of state actors appears to be very organised, with set 'fees' for a border crossing, there also seems to be less systematised corruption. A lawyer in Southern Thailand explained: 'The immigration authorities don't know what to do in a case where they actually arrest a migrant who is smuggled. They detain them but then they [i.e. the detained migrants] manage to "escape" from detention. So, we can assume that they get released.'[32]

Several interviewees said that it is particularly state authorities and criminals who benefit from the ongoing conflict in Thailand's Deep South, not just because of the smuggling economy. In addition, and more substantially, the ongoing conflict provides political justification for a direct military control of civilian spheres of governance in the Deep South, including development projects, such as the construction of roads. As part of the Thai government's strategy to appease the South through development, a large amount of money is available to fund such projects. They offer opportunities for corruption on a much larger scale. As one interviewee described it, 'The ongoing conflict makes it easier to do secretive stuff.'[33] In other words, the violent conflict reduces the level of public accountability of the state. In a way, another interviewee concluded, all parties of the conflict benefit from ongoing violence. The

conflict enables BRN to gain attention for their struggle and it allows the army to make money.[34]

CONCLUSIONS

At first glance, the armed conflict in Southern Thailand and the smuggling business in the region are disconnected phenomena. Even without the conflict the area would probably be a major hub for smuggling activities from and into Malaysia. But the conflict shapes the smuggling economy and creates new income avenues for actors like the state security forces, which in turn creates an incentive to maintain the conflict.

In some cases, smuggling and armed conflict are even geographically disconnected. As both my interviews and the cases of the mass graves found in 2015 indicate, human smugglers and traffickers prefer routes that avoid violent conflict, choosing to cross the border in the more secure Songkhla province in the west rather than in the conflict areas of Yala, Pattani and Narathiwat in the east. Songkhla offers good road and railway connectivity and while the violent conflict has led to the heavy presence of security forces in the east, there are fewer checkpoints to be navigated or bribed in the west, making it a popular route for large-scale smuggling of people from third countries and crime that has to happen beyond the eye of the public – such as the violent trafficking and torture of refugees.

In contrast to a common perception, most smuggling activities do not happen in remote areas; in fact, they usually happen in the more populated areas at the border. This can also be seen in the east. Here, the violent conflict has resulted in a heavy presence of security forces, particularly in urban areas. Nonetheless, the populated areas are the preferred route for most smugglers due to good transportation links. Migrants are smuggled across the river on the same irregular routes that local people who want to cross the border to have a drink in Thailand, shop keepers importing small amounts of goods, and networks smuggling drugs all use.

Local people play a key role for the smuggling activities at the border. They may smuggle goods for themselves and may help people to cross the border free of charge. However, they may also work for smuggling networks and take drugs, as well as people, including migrants, across the border. Hence, even though the networks that organise migrant and drug smuggling appear to be disconnected, they overlap at times on the local level as the same people may take goods across the border for different networks.

Smuggling, including that of drugs, often happens before the eyes of the security forces who appear to be benefitting from the activities. For instance, the owners of warehouses who smuggle t-shirts and other licit goods on a large scale pay a fixed amount to the security forces every month. Similarly, the drug trade is based to some extent on 'cooperation' between smugglers and security forces. While the use of urban areas requires payments to the security forces, passing through them is still cheaper – and ensures a higher level of predictability – than smuggling across the more rural parts of the border.

Ultimately, the violent conflict creates an environment which makes it easier for state authorities to justify a heavy presence, to act with limited accountability, and to benefit from corruption that is linked to the smuggling of goods and people. Resonating with the literature on war economies (e.g. Kaldor, 2012), I find that different actors, particularly security forces and the networks that control the smuggling of illicit goods, appear to be working more in concert than against each other, driven by aligned economic interests rather than political concerns. Meanwhile, the violent environment also helps criminals conceal their activities. For instance, it is possible to kill a rival smuggler or a business partner one no longer wishes to work with and police will generally attribute the death to the armed conflict and political motives. These vested interests may help to explain why the conflict has been so persistent.

By contrast, conflict does not seem to feed the smuggling economy through the role of non-state armed groups. The state is in full control of the area and the border, which gives smugglers little reason to work with groups like the BRN. Conversely, the insurgents would put their local legitimacy – which is crucial for them as they depend on local support – at risk if they were to get involved in the smuggling of people or illicit goods. Instead, they have established other modes of generating money, such as the membership fee, that lets them benefit financially from their local support.

Hence, the insurgents in Thailand's Deep South could be described as legitimacy-seeking rebels. They lack territorial control and want to maintain or build local legitimacy, resulting in a limited involvement in the smuggling economy. Individual members may be feeding their families and ultimately also funding their membership dues through smuggling, but I found no reason to think there is a closer link.

In September 2018, Thailand and Malaysia announced plans to build a border wall, which they said would 'combat transnational terrorism and smuggling' (*Reuters*, 2018). Given the state involvement in the smug-

gling business, it seems unlikely a border wall will significantly affect the conflict or the ease of passage of people or goods.

NOTES

1. Interview, 24 November 2017.
2. In contrast to the Thai province 'Pattani', the 'Patani Kingdom', an area larger than today's province, is spelled with one 't' only. Hence, the spelling is political, with 'Patani' referring to the historical identity (see McCargo, 2007a and McCargo, 2008 for a discussion of this issue).
3. See McCargo (2008) for a comprehensive analysis of the conflict until 2008.
4. See McCargo (2007b) for a detailed analysis of Thaksin's role for the developments in the Deep South.
5. Interview with SBAC officials, Yala, 24 November 2017.
6. Interview with SBAC officials, Yala, 24 November 2017.
7. MARA Patani is comprised of Barisan Revolusi Nasional (BRN), Barisan Islam Pembebasan Patani (BIPP), Pertubuhan Persatuan Pembebasan Patani (PULO-P4), Pertubuhan Pembebasan Patani Bersatu (PULO-dspp), Pertubuhan Pembebasan Patani Bersatu (PULO-mkp) and Gerakan Mujahidin Islam Patani (GMIP).
8. This demand has also been raised in recent media reports on the conflict: see e.g. Pathan (2018).
9. See ICG (2017a) for a detailed analysis of the 'jihad' of insurgents in the Deep South and their differences from international terrorist groups like IS and Al Qaeda.
10. Interview, 24 November 2017.
11. Interview, 10 February 2018.
12. The government's budget for Thailand's Deep South is under the supervision of the 4th Army Chief, who is also the chair of the Internal Security Operation Command Force (ISOC region 4). This budget covers all expenses of the state, including security, social affairs, economics, political affairs and technology. The details of how the budget is spent and costs are allocated remain secret. See *Bangkokbiznews* (2014).
13. Interview, 10 February 2018.
14. All photos by the author.
15. Interview, 24 November 2017.
16. In Aceh the 'Free Aceh Movement' fought against the Indonesian government in order to gain independence, driven, among other reasons, by a more conservative interpretation of Islam that is common in Indonesia. In 2005 the conflict ended through a peace agreement, which granted Aceh a high level of autonomy.
17. Interview, 10 February 2018.
18. Interview, 24 November 2017.
19. Interview, 23 November 2017.
20. Interview, 23 November 2017.
21. Interview, 10 February 2018.
22. Interview, 24 November 2017.

23. E.g. interview, 23 November 2017.
24. Interview, 24 November 2017.
25. Malaysia suspended executions in 2018.
26. Interview with civil society activist, 11 February 2018.
27. See *BBC* (2015); *The Straits Times* (2015); *The Guardian* (2015). As Chapter 4 will detail, during my research in the Rohingya refugee camps in Bangladesh, I encountered many families whose relatives were ransomed or disappeared. For example, a Rohingya refugee in Bangladesh said that his brother had been held for ransom at the border in 2012 for a month. Smugglers required his family to make an additional, previously undisclosed payment when he reached the Thailand–Malaysia border and was imprisoned. The family successfully ransomed the brother and he was not tortured, but the trip cost 35 lakhs (*c.* US$2,215) when they had expected to pay just 13 lakhs (*c.* US$815): Interview with Rohingya in Bangladesh, 3 December 2017.
28. Interview, 10 February 2018.
29. Interview with local politician, 11 February 2018.
30. Interview, 10 February 2018.
31. Interview, 24 November 2017.
32. Interview, 11 February 2018.
33. Interview with civil society activist, 11 February 2018.
34. Interview, 23 November 2017.

3. Meth & militias: the Myanmar–China border region

'The militias only work for their personal benefit', a lawyer in Myanmar's northern Kachin State, close to the Chinese border, told me. In addition to non-state armed groups, which are commonly referred to as ethnic armed organisations (EAOs) in Myanmar, state-sponsored armed militias are active in the region. 'They have no salary, but they are armed. So they do a lot of smuggling. The Tatmadaw [the Myanmar national armed forces] protect them and don't intervene because they are useful for them.'[1]

Some militias evolved out of EAOs or factions within them that switched sides in order to benefit from deals offered by the Tatmadaw, such as concessions to extract resources (see e.g. Callahan, 2007). Other militia groups were created by strongmen and later co-opted by the Tatmadaw; still others were established by the Tatmadaw as village-level forces. Militias have existed since Myanmar's independence in 1948 and their number is unknown; but Buchanan estimates the number of militia groups in Myanmar in the hundreds or even thousands (2016, p.1).

Militias are also prevalent in Myanmar's northern Kachin and Shan States (Figure 3.1). The region receives less attention in the world than the episodes of violence in Myanmar's Rakhine State that resulted in the displacement of the Rohingya, which is covered in Chapter 4. But a violent conflict that involves the Tatmadaw, EAOs and militias has been ongoing in Kachin and Shan States, in close proximity to the Chinese border, for decades.

Like the Thailand–Malaysia border, the Myanmar–China border is porous and large amounts of goods and people are smuggled across, primarily into China. This includes natural resources, such as timber and jade. In addition, Kachin and Shan States are a major source of opium, with Myanmar being the world's second largest producer after Afghanistan (see Meehan, 2016).[2] More recently, Shan State especially has also become a major exporter of methamphetamines (particularly 'yaba') in the region, including to Thailand and Bangladesh. Conversely, EAOs in the region often use weapons smuggled from China.[3]

To gain a better understanding of how the smuggling business and armed conflict relate in Kachin and Shan states, I conducted interviews in the capital of Kachin State, Myitkyina, as well as in Lashio and Kengtung in Shan State in January 2018. To be able to go into more depth, the chapter focuses primarily on the findings from Kachin State, but also draws on examples from northern Shan State, where I observed similar dynamics.

Figure 3.1   States in Myanmar

BACKGROUND: A BRIEF HISTORY OF ARMED CONFLICT IN MYANMAR

Myanmar was founded as and continues to be known as Burma.[4] What is often described as one of the longest civil wars in history has afflicted

the country since its independence from the British in 1948. Myanmar is ethnically diverse and various EAOs fight for independence, autonomy and/or greater political rights. Division began under colonial rule, when the British gave 'Upper-Burma' to the north far more autonomy than 'Lower-Burma' to the south. While the south was politically and economically dominated by the British, the north was left with a larger degree of autonomy. Local rulers were left to rule over their own territories with small concessions to the British.

General Aung San, who is commonly viewed as the founder of Burma and is the father of the Nobel Peace Prize winner and State Counsellor Aung San Suu Kyi, set out to create a federal state that would give equal rights to all ethnic groups. In 1947, the Burmese government and representatives of the Shan, Kachin and Chin ethnic communities signed the 'Panglong Agreement', in which they decided, rather ambiguously, that 'full autonomy in internal administration for the Frontier Areas is accepted in principle' for these ethnic groups 'within a Unified Burma'. Shortly after, Aung San was assassinated, six months before Burma gained independence from Britain. The country's new constitution categorised ethnic groups differently. The Kachin, the Karen, the Karenni, and the Shan were categorised as 'states' within a unified Burma. Among them the Karenni and the Shan were granted the right of secession after ten years if they fulfilled certain requirements (TNI, 2017, p.5). The Chin, the Wa and Muslims in Arakan as well as other ethnic groups did not receive special recognition (ibid.). In 1962, the civilian government was toppled in a military coup and a military government, dominated by the majority ethnic group, the Bamar, began its rule. In an attempt to unify territorial control, the military imprisoned and tortured many ethnic minority leaders.

After passing a new constitution in 2008, the military junta proclaimed its plan to begin a transition to democracy. In 2010, the government allowed elections for the first time in decades. Aung San Suu Kyi was released after 15 years of house arrest and her party, the National League for Democracy (NLD), has been the dominant civilian political power in the country ever since. Nonetheless, the Myanmar military, the Tatmadaw, still holds substantial sway over power. Based on the constitution they passed, they are not subject to oversight by the civilian government and have a guaranteed 25% of the seats in parliament.

Armed combat between the Tatmadaw and EAOs has repeatedly occurred since the early 1960s.[5] Many ethnic armed groups demand more autonomy within a federal system. However, with continued alienation as

a result of aggressive military interventions in the regions, some groups favour a solution of secession instead of federalism.

As in Thailand's Deep South, the conflict has an economic dimension. The conflict is partly driven by a perceived neglect of communities and partly by aggressive exploitation of natural resources. Battles are not only fought over territory, but also over drug trade routes or natural resource extraction. Woods (2011; 2018) offers a detailed analysis of the 'conflict resource economy' in Myanmar's borderlands. He points out that ceasefires have enabled the Tatmadaw, EAOs and militias to exploit natural resources on a large scale in what he calls 'ceasefire capitalism'. He further describes how the Tatmadaw often try to incentivise EAOs, or breakaway groups, to end their fight against the government and become 'self-sufficient counterinsurgent forces' by allowing them to continuously control their territory and exploit its resources and trade routes (2018, p.6).

Meanwhile, violent conflict continues across Myanmar. The UN Human Rights Council established a Fact-Finding Mission in March 2017 to explore possible human rights violations in Rakhine, Kachin, and Shan States. The final report finds 'consistent patterns of serious human rights violations and abuses' and 'serious violations of international humanitarian law', principally committed by the military, in all three states (Human Rights Council, 2018).

The most recent initiative to negotiate peace through the Nationwide Ceasefire Agreement (NCA) in 2015 failed. A number of key EAOs, such as the Kachin Independence Army (KIA), the Shan State Army-North (SSA-N) and the United Wa State Army (UWSA), refused to sign the agreement because the Tatmadaw had excluded other EAOs from participating in the talks, including the Ta'ang National Liberation Army (TNLA) and the Arakan Army (AA).[6] Influential non-signatory groups formed the Federal Political Negotiation and Consultative Committee (FPNCC), which is backed by China and does not accept the NCA 'because it is not all-inclusive and does not recognize the political rights of all ethnic nationalities' (FPNCC, 2018; see also Lintner, 2018).[7]

The Kachin Independence Army

One of the largest ethnic minority groups in Myanmar are the Kachin people. The Kachin trace their history back to migration from the Tibetan Plateau around AD 500. Today, a large population of Kachin lives in Myanmar's Kachin State as well as in China's neighbouring Yunnan

Province (Figures 3.2 and 3.3). Due to the influence of American missionaries who began travelling to Kachin in the nineteenth century, most Kachin are Christians of Baptist faith. The majority of Kachin speaks Jingpo, but some subgroups speak different languages.[8]

Figure 3.2   Manau Shadung, Kachin National Manau Park, Myitkyina, Kachin State (January 2018)

The Kachin also have one of the most prominent EAOs in Myanmar: the Kachin Independence Army (KIA), with an estimated 10,000 troops, which functions as the armed wing of the Kachin Independence Organization (KIO). Brenner (2019, p.76) describes how their informal capital Laiza at the Chinese border has turned into a 'Mecca of armed ethnic resistance', a symbol of resistance within Myanmar.

The Kachin signed the Panglong Agreement in 1947, surrendering the right to secede in exchange for more territory under the constitution (TNI, 2017, p.5). But following a perceived neglect of the Kachin and a lack of implementation of Panglong after Burma's independence in 1948, an ethnic armed movement gained ground. In 1960, university students

established the KIO and in early 1961 established the KIA (Jaquet, 2015). The group demanded autonomy and self-determination for the Kachin, and frustration grew further when the constitution gave Buddhism a stronger role in the country that same year.

Figure 3.3   Kachin State

The group grew quickly and expanded its influence. In 1976, the KIO/A and the Communist Party of Burma (CPB) formed a coalition,

which ensured the KIA access to weapons smuggled from China (Burma Link, 2018). By the 1980s, the group controlled large parts of Kachin and northern Shan States (Brenner, 2019, p.75; Lintner, 2011). After the collapse of the CPB in 1989, which made access to weapons more difficult, the KIA negotiated a ceasefire with the Myanmar government in 1994 (Burma Link, 2018). The ceasefire allowed both sides to accumulate substantial profits from resource extraction and sale (Brenner, 2015, p.338), in line with what Woods (2011; 2018) describes as 'ceasefire capitalism'. Kachin State has substantial natural resources – particularly jade – that have been extracted aggressively in recent decades (Global Witness, 2015).

Woods finds that controlling the mining town of Hpakant in eastern Kachin State had allowed the KIO/A to monopolise the jade trade until it relinquished this territorial control through the ceasefire agreement, after which it turned to timber in the areas it continued to control. He concludes that deforestation 'skyrocketed' at the Kachin State–Yunnan border after the peace agreement (2011, p.750). However, Brenner (2015; 2019) points out that while the mutually beneficial enterprise allowed for peaceful years in the region, the focus on revenue generation and neglect of local grievances has left underlying problems unresolved. Communities are now increasingly sceptical, not only of the national government, but also of the KIO/A leadership (2015, p.338).

In 2008, the Tatmadaw called on ethnic armed groups to transform themselves into Border Guard Forces (BGF), militias subordinate to the Tatmadaw. While some groups complied, this request resulted in a breakdown of the ceasefire with the KIA in 2011 (see South, 2018, p.4). Brenner explains that the young leadership of the KIA rejected the Tatmadaw's proposal, feeling alienated as older generations of leadership had flourished as a result of natural resource exploitation, creating stark inequalities within the movement (2015, p.343). Meanwhile an interviewee in Kachin State, reflecting a common perspective on the streets, argued: 'Both parties just want money. During the ceasefire the government and the KIA shared the revenues. The ceasefire broke down because the two parties couldn't agree on who gets what share of the revenue.'[9]

Fighting resumed between the Tatmadaw and the KIA in 2013 when the Tatmadaw launched an offensive on the KIA headquarters in Laiza, located at the Chinese border. Later attacks were launched in Kokang and Palaung. In June 2017, the Tatmadaw attacked gold and amber mines operated by the KIO/A in Tanai in Kachin State (Min Tun, 2018).

Fighting intensified in the following months and was ongoing at the time of this writing. The spokesperson of the KIO/A's liaison office in Myitkyina, the Technical Advisory Team (TAT), claimed: 'Originally we fought army against army. But then the government changed its strategy around 2014 and started to attack villages that are close to KIA posts. Hence, many villagers have been displaced. (…) Hundreds of villages have been burnt down.'[10] Indeed, UN estimates say that 60,000 people in Kachin and Shan State were displaced between January 2017 and March 2018 (OCHA, 2018).[11]

Most of the internally displaced people (IDP) now live in camps along the Chinese border (KWAT, 2013, p.5). A resident of an IDP camp in Kachin State said that his village comprised 2,300 families before it became 'a conflict zone' where '[n]obody takes responsibility for our safety (…) neither the government nor the KIA'. He often goes back because he is the head of the village, though most people have moved to IDP camps. He also noted that he did not consider the IDP camps to be safe, citing an incident where the Tatmadaw shelled Mung Lai Hkyet IDP camp in January 2018. 'The war is driven by the government. It feels as if the camps were shelled intentionally', he says.[12] Help for displaced people has largely come from local civil society and faith-based organisations, rather than the international community (South, 2018, p.25).

But the KIO/A does not limit its activities to fighting; it also governs parts of territory in Kachin State. The organisation built schools and universities and created its own quasi-governmental structure in the territories under its control, with departments for health, education, agriculture and women's affairs (Brenner, 2015, p.347). Education plans integrating Kachin language and culture into the public education system are in place. Combined with the perceived cultural and political alienation by the national government, and the armed conflict that often also resulted in civilian deaths, this has contributed to a strengthening of Kachin identity.

Like most governments, the KIO/A generates revenue through taxes, which are levied on companies extracting natural resources, especially jade (see e.g. Brenner, 2019, p.80; Global Witness, 2015). A number of interviewees in Kachin State complained that the KIO/A was taxing people, shops, and sometimes also cars at checkpoints.[13] One interviewee from Myitkyina, which is under government control but close to KIA territories, explained:

> In downtown Myitkyina, small shops pay a tax of around MMK 1 million [*c.* US$720] to the KIA per year. But it's not done very systematically.

Sometimes they come twice per year; sometimes once per year. Private car owners have to pay at checkpoints. If they give you a receipt, you can use it for a year. But if you have a receipt from the KIA and the government finds it, you may get arrested. And the government is collecting taxes too. So most people in the city pay to the KIA and the government.[14]

According to interviewees the group is involved in other business activities. For instance, the KIO/A owns hotels on the Chinese border and provides Chinese businessmen with licences for casinos in a town called Mai Ja Yang, which contribute significantly to their revenue.[15]

The New Democratic Army – Kachin

Another Kachin group, the New Democratic Army – Kachin (NDA-K) have a decidedly different relationship to the Tatmadaw. This particularly influential militia had its origins in the CPB, which members of the KIA under the command of Zahkung Ting Ying and Layawk Zalum had joined in 1968 in order to fight both the Tatmadaw and the KIA as the CPB's Unit 101 (Lintner, 2011, p.435; Lintner, 2015, p.260). In 1989, Zahkung Ting Ying, Layawk Zalum and other commanders within the CPB mutinied, resulting in the collapse of the party, and they formed the NDA-K (2011, p.435; 2015, p.260).[16] The same year, they agreed on a ceasefire, cooperating with the Burmese government. The state then formally recognised the territory controlled by the NDA-K in Chipwe and Tsawlaw Townships at the Chinese border as Kachin State Special Region 1. The export of heroin and natural resources from the area to China made the group's leaders rich (Aung Myint, 2016).[17] Layawk Zalum lost his influence after a failed mutiny in 2005 and Zahkung Ting Ying continued to run the NDA-K on his own (Martov, 2012). In 2009, Zahkung Ting Ying agreed to transform the NDA-K into a unit of the Burmese BGF and to turn the Kachin State Special Region 1 into a constituency. Zahkung Ting Ying got elected to parliament in 2010 to represent this constituency, which includes the townships Injangyang, Chiphwi and Tsawlaw.

A former NDA-K general explained that Zahkung Ting Ying sold all of the guns the NDA-K had held to the KIA at significant profit before it became part of the BGF.[18] And even though the territory is now formally under the control of the Myanmar government, Zahkung Ting Ying remains, as another interviewee put it, the 'regional king',[19] who controls a private militia of an estimated 1,000. The former general explained:

'the NDA-K is now part of the official government forces, with uniforms and salaries. But the government gave Zahkung Ting Ying a licence for guns and he continues to have his personal militia. He still controls the townships and the government gave him the powers to operate there.'[20] An interviewee from the Kachin State Special Region 1 explained that people in the area 'don't really have any other option but to support him'.[21] Another interviewee pointed out: 'People who live in the area have to join his militia when they turn 18. If they don't do it, they have no security. Anything can happen.'[22]

Zahkung Ting Ying won his election to become a member of parliament in 2015, but lost his seat a year later after opponents in that election alleged in court that he had intimidated them into not running against him. A lawyer who helped with the court case against Zahkung Ting Ying remembered: 'The trial took place in Myitkyina. But the problem is that nobody stops Zahkung Ting Ying from bringing his militias into the city. So he brought his militias into the courtroom to intimidate everyone. They came wearing uniforms and were fully armed. On the uniform it said 'Pyithusit' [militia] and on their arm patch they have two crossed arrows and a bow.'[23] Even though Zahkung Ting Ying lost his seat in parliament after this court case, the lawyer said, Zahkung Ting continues to treat his former constituency as his own property and has made plans to ensure his son succeeds him in dominating the region.[24] He concluded: 'his kingdom will be inherited by his two sons.'[25]

THE SMUGGLING ECONOMY

The Smuggling of Goods

The neighbouring economies of Kachin State and Shan State are closely connected to China. Large quantities of goods, including most of the extracted natural resources, are exported there. Major border crossings in Kachin State are located at Phimaw, Pang War, Kampati (also spelled Kampaitee or Kan Paik Ti) and Laiza. However, it is difficult to get significant information distinguishing legal exports from smuggled goods. One interviewee claimed that he has seen significant goods pass the border and never seen anyone pay a custom fee. 'Everything is smuggled', he concluded.[26]

The production of jade alone in Myanmar in 2014 is estimated to have brought profits of US$31 billion (Global Witness, 2015). Rubies and timber are also big business. In addition, less valuable goods are smug-

gled into China, often in large quantities. For instance, trucks full of cows are taken across the border every day. According to local media reports, 500 cattle are smuggled into China from Kachin daily (see Inkey, 2015). And just outside of Myitkyina, in Waingmaw Township, there are large banana plantations – an estimated 90,000 acres, according to an interviewee from the area. The companies running them are registered under the name of Burmese citizens, but are owned by Chinese people, and the entire product is shipped to China (see also Khaing, 2018; Myint, 2017).[27] An interviewee noted: 'Big trucks cross the border into China, but they are only checked from the outside, so we don't know what they take.'[28]

Some trucks may be carrying drugs. According to the UNODC (2018c, p.iii) Myanmar Opium Survey, 36,100 ha of opium poppy were cultivated in Shan and Kachin State in 2018.[29] The border region of Thailand, Laos and Myanmar, in Shan State, is known as the 'Golden Triangle' due to its prodigious opium production.[30] Heroin addiction is high in Kachin, with some interviewees even suggesting that half of the adult population of Myitkyina is addicted.[31] But they also think that most of the heroin made in the state is smuggled to China. Nonetheless, according to the interviewees, heroin production is on the decline in Kachin State as opium from Afghanistan dominates the global market, while the production of methamphetamines, such as yaba, is increasing.[32]

As yaba is a chemical drug, it can be produced almost anywhere and, in theory, does not need to be smuggled across borders (see e.g. UNODC, 2013, p.62). Nonetheless, Shan State is the largest producer of yaba in the world. A lack of prosecution offers particularly low prices. According to a recent International Crisis Group (ICG) report, the methamphetamine business is now considerably bigger than the entire formal sector in Shan State (2019, p.2). From here the drug is exported to China, Thailand, Bangladesh and elsewhere (Figure 3.4). Crystal meth is also produced in Shan State, almost exclusively for export (ibid., p.10).[33] The drug smuggling, according to the ICG, is 'increasingly professionalised'. For instance, crystal meth is 'packed in branded tea packets, both to facilitate concealment and to give it a specific product identity' (ibid., p.11). UNODC estimates that 80% of the methamphetamines produced in Myanmar are concealed in vehicles and smuggled at regular border crossings where the remainder cross at irregular crossings (2013, p.63).
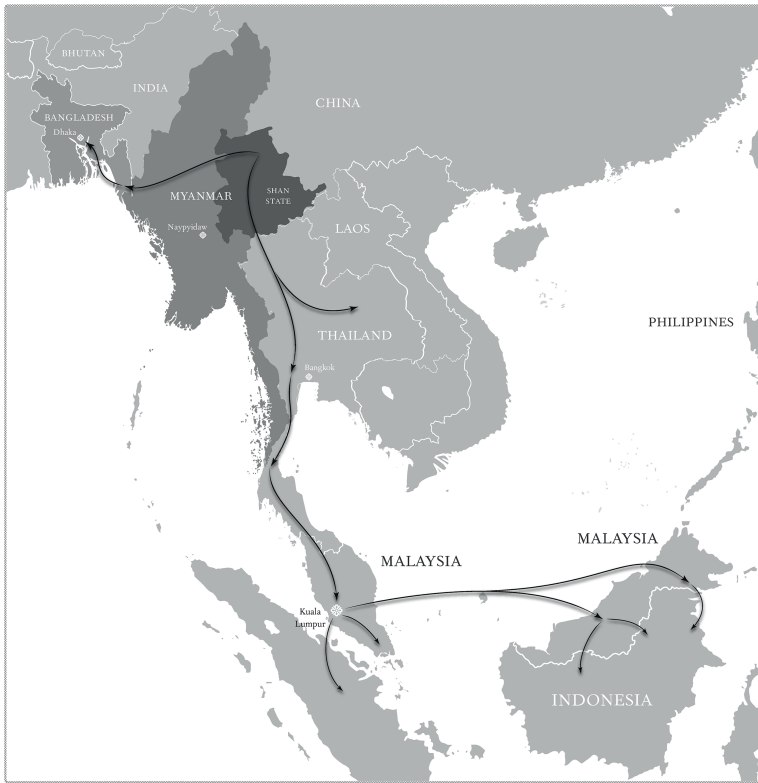
Figure 3.4   Common yaba smuggling routes

The Smuggling of People

Myanmar is one of the main countries of origin of migrant workers, trafficked people, and refugees in the region. For instance, as of August 2012, the Ministry of Labour in Thailand estimated that of the 743,538 migrant workers with active work permits, 623,555 (83.8%) came from Myanmar (Feingold, 2013, p.209). In 2017, more than 700,000 Rohingya refugees left Myanmar for Bangladesh.

Also in Kachin, in addition to the smuggling of goods, the smuggling of people is frequent. The border with China is fairly open and easy to cross. Due to the large-scale displacement in Kachin caused by the ongoing conflict, many decide to seek shelter with relatives on the Chinese side

of the border. Many others cross the border into China for economic reasons. The economy in Kachin State is weak, and the unemployment rate is high, while in China the economy is booming and cheap labour is in high demand. Hence, countless people decide to cross the border to find work in China. As many people in remote regions or conflict zones in Myanmar lack proper identification documents (see US Department of State, 2017, p.107), and as it is often complicated to get the necessary documents to legally work in China, many – if not most – decide to cross the border without such documents and work in China illegally.

When working in China, migrant workers can make an income far greater than they would earn in Kachin State, where many people only earn around US$150 per month (see Dapice, 2016). An interviewee from Myitkyina described his life as a migrant worker in China:

> I used to be a driver here in Myitkyina. But now the situation is very unstable. There are no more jobs. So I have been working in a paper factory in China for a year now. It's an industrial zone, where products are made out of wood, such as furniture and paper. Thousands of people from Myanmar work there. They are mainly from Kachin, Shan, and Rakhine. The wages range between 1,500 and 4,000 Yuan [*c.* US$230–615] per month. I am paid 3,000 plus overtime, which adds up to 3,600 Yuan [*c.* US$555] per month. If you speak a little bit of Chinese, you are quickly favoured by the boss and are not looked down on by the Chinese. Officially, we get no holidays. But I get unpaid leave because I get along with the boss.[34]

There are two options for people in Kachin State to cross into China legally. A red border pass allows them to stay for seven days. However, this limits people to the border area and does not allow them to travel further into China. Alternatively, people can apply for a work permit, which is a green booklet that allows them to stay and work in China for up to several years. However, the application process is considerably more challenging. A migrant worker told me: 'The green booklet is very difficult to get. It is very expensive (…) and one has to go to Yangon to get it. So most of my friends don't have one.'[35] Another interviewee said: 'I have no documents at all. (…) Originally I had a green booklet, but when I washed my clothes it got wet and I can't use it anymore. It's really difficult to get a new one. You need a certificate [of good health] from the doctor.'[36]

It is thus common to enter legally and overstay the seven days and return via an irregular route. One migrant worker said: 'I usually cross legally into China at Kampati border with a border pass and then, on my

back to Myanmar, go through the village [an informal crossing].'[37] A man
who works in China and who was on holiday in Myitkyina explained:

> On your way to the border at Kampati, you travel through NDA-K territory.
> They are now part of the government, but they sometimes have checkpoints.
> The official border crossing itself is controlled by actual government forces.
> Basically there are two options when you get to the border. Either you go
> through the government checkpoint, where they check the goods you have
> with you, and check your documents and stamp them. But you are only
> allowed to stay in China for six nights or seven days. (…) Alternatively, you
> can cross the border at Baokwan village. There, the local villagers have check-
> points. They don't check your documents or goods, but they ask every person
> for 10 Yuan [*c.* US$1.50]. The Chinese government doesn't bother them, and
> it enables them to make some money. In the past there was no formal border
> crossing. So that's why the government lets them continue to make an income
> this way.[38]

People who do not speak Chinese, do not know where to go in China
or are less confident about travelling on their own rely on brokers.
Two migrant workers from Kachin State in China whom I interviewed
together explained on a video-call:

> We had a broker who organised a car that took us to China. We didn't have to
> worry about anything. The driver knew everything, and knew how to deal with
> the checkpoints, going around them, sometimes hiding the car in the bushes.
> (…) So there is no need for any documents. When we went for the first time,
> the broker kept all the money. So we ran away and found a new place to work.
> Now we work directly for a company, without a broker or middleman.[39]

Another migrant worker had a more positive experience with a broker,
however: 'I went with a group of people and a broker took care of
everything. It is safe to go with a broker. Ours was from Myanmar, but he
also spoke Chinese. He had already worked in China for a long time, and
then came back to find workers for three factories.'[40]

The brokers appear to run their businesses independent of each other.
One migrant worker explained: 'Some brokers have more; others have
fewer employees. The brokers have different areas. For instance, one
may work in lower Myanmar, another one in Kachin. The brokers also
pay different salaries.'[41]

More challenging than the border crossing is daily life as a migrant
worker in China, as the police frequently search factories for illegal
migrant workers. The two migrant workers on the video call said that
their 'biggest problem' was having to run if the police come, as they do

not have documents.[42] However, arrests do not deter migrant workers, who usually return to China soon after being deported. An interviewee described being arrested in 2017 and held for about 24 hours, interrogated, then sent back to Kampati where the Myanmar police picked him up and brought him back to Myitkyina. 'I went back to China the next day', he concluded.[43]

As the interviewees suggested, brokers sometimes exploit migrant workers. Especially vulnerable are those who are travelling to China for the first time. The brokers often act as middlemen and negotiate the migrant workers' salaries and time off. One interviewee said that he received variable payments that were nonetheless always lower than what Chinese workers receive: 'In the first month I got 3,500 Yuan [*c.* US$535] as promised. But then it got less over time. The salary is paid through a broker.' At the same time, 'it's still four or five times higher than in Myanmar.'[44]

Most interviewees agreed that despite exploitation they were earning a higher salary in China than in Myanmar. For instance, another migrant worker reported:

> The broker receives the monthly salary for the workers from the boss but then only passes on a share to the workers. We don't know how much he is paid by the boss and our salary fluctuates. After Chinese New Year we may get 1,000 Yuan [*c.* US$150]; in the middle of the year maybe only 500 [*c.* US$75]. But it's still better than the salaries here [in Myanmar].[45]

Trafficking in Persons

At times, people who believe that they would be smuggled as migrants end up being trafficked. Most people trafficked in Kachin state are women, who are forced into marriages with Chinese men.[46] However, men can be victims of human trafficking as well, ending up in situations of debt bondage or other forms of forced labour (US Department of State, 2017, p.108). An interviewee explained that, for instance, 'some are forced to work in the charcoal industry or with silk worms, but are not receiving any salary.'[47]

A report of the Union of Myanmar (n.d.) indicates that, out of 641 reported cases of trafficking in the country between 2006 and 2010, 80% had China as the destination country. Feingold finds that 85% of the identified cases involved the trafficking of women (2013, p.112). China

faces a substantial gender-imbalance, with men outnumbering women by 1.16:1, creating a large demand for women.

The victims are promised jobs with Chinese families by brokers, but end up being forced to marry Chinese men.[48] I found no evidence of institutional connections between brokers who perpetuate this crime and political authorities.[49] Interviewees further insisted that it is individual actors and not organised groups that are responsible,[50] for example:

> There are brokers who organise the trafficking. It's usually local people who have lived in China for a long time, and know the Chinese people well. Many men in China can't find a wife. So they ask somebody from Myanmar to look for a woman. Then this person comes here and tells a woman that they have a job for her in China. He takes her back to China, where she has to get married to the Chinese man. Only then she realises that she got trafficked. The brokers get at least 30,000 to 40,000 Yuan [*c.* US$4,600–6,150]. It's individuals, who do everything themselves, not organised groups. The same brokers do not only traffic women but also pass on labourers to Chinese businessmen. Here, they have a different system. While they get a one-off payment for women, they take a monthly share of the salaries from the men they bring to factories in China.[51]

According to a UNODC (2016) report, not only most of the victims, but also 65% of the traffickers are women. Not all of the 'traffickers' have bad intentions. Sometimes it is family members who convince women to get married to Chinese men, hoping that they will have a better future. There is some variation in the experience of women brought from Myanmar for marriage; some may be willing to go in the hopes of a better life even though they are marrying men they have not met. As one interviewee said, 'some [women] go voluntarily to make money, to survive.'[52] At the other end of the spectrum there is evidence of women used as sex slaves, and the same interviewee said that victims are '[o]ften' 'sold to another man after giving birth to a child'. The Kachin Women's Association Thailand (KWAT) receives pleas for help from trafficked women on a monthly basis.[53]

Particularly vulnerable are those who live in IDP camps and they comprise the bulk of female victims of trafficking (KWAT, 2013). One resident of such a camp reported: 'In every camp the number of human trafficking cases is increasing. People think that they go to China to work, but then they are actually trafficked. They are told that they will get a job in China, but then are married to a Chinese man… Most of these cases happen in the IDP camps close to the border.'[54]

Interviewees pointed out that few measures have been taken to deal with the problem. Some civil society organisations help families to find their relatives in China and bring them back. However, a central problem appears to be the cooperation of Chinese authorities. Civil society activists argue that the Chinese authorities sometimes agree to help victims of human trafficking, but that more often they ignore requests for help even when the exact location of a victim of human trafficking has been identified. Hence, many victims of human trafficking remain in China.

SMUGGLING AND ARMED CONFLICT: THE ROLE OF INSURGENTS

The Smuggling of Goods

Compared to armed conflict in Southern Thailand, armed conflict in Myanmar plays a considerably more direct role in the context of the smuggling of goods. Non-state armed groups, the Tatmadaw, and state-affiliated militias all benefit from smuggling revenue at the Myanmar–China border, often linked to the exploitation of natural resources. According to a Global Witness report, the extraction and smuggling of jade is the KIO/A's main source of income (2015, p.14). However, the report also illustrates in great detail that Tatmadaw officers in the area 'are making personal fortunes' extorted from the jade business and that therefore 'the battle for control of jade revenues [has become] a strategic priority for both sides in the conflict' (ibid.). This competition over who controls the mines and the trade routes for jade is a driver of the ongoing conflict.

Different actors and authorities are in control of different border crossings in Kachin State. An interviewee from the Shan community in Kachin State complained: 'We have three governments here. The Tatmadaw, the KIA, and the NDA-K. And each of them is in control of at least one border gate. Sometimes one even has to pass the checkpoints of [multiple] different authorities on the way from Myitkyina to the border.'[55] Both licit and illicit goods pass through all border gates. However, like their counterparts in Southern Thailand, smugglers usually prefer peaceful areas to conflict areas for the transportation of goods. An interviewee from an ethnic minority group in Kachin explained the impact of this:

> In the past, all sorts of things were smuggled through the KIA gates, including jade, amber, logs, opium, and amphetamines. But since the end of the cease-

> fire, most of the smuggling is happening through the areas controlled by the NDA-K rather than the KIA, because there is no fighting. At the moment, it's mainly animals, cows, and buffalos that are smuggled through the KIA gates. But even that is happening on a larger scale in the NDA-K areas, where they use trucks to do so. In the KIA areas they walk them across.[56]

Controlling territory at the border is important for armed groups as business people prefer to operate in such a way that they can deal with a single authority from the sourcing to the point a commodity reaches the neighbouring country for a given product. Crossing dividing lines between competing actors creates risks, unpredictability and additional costs, which ultimately cuts into profits. Furthermore, controlling territory at the border may enable non-state armed groups to generate additional revenue, by charging fees for people who want to cross the border and for the export of goods – particularly of natural resources in the case of Kachin State. However, most money is made through concessions and taxes, not through bribes at the border crossing. For instance, when smuggling logs, smugglers make a one-time payment that covers the extraction and export of goods. One interviewee explained: 'People pay tax to the KIA, so they don't have to pay again at the border.'[57] Again, this is an incentive for business, as the costs can be budgeted for easily.

In addition to natural resources, two other goods are commonly smuggled across the border in northern Myanmar: guns and drugs. The smuggling of weapons and ammunition is left almost exclusively to non-state actors. While state actors can legally buy and import such goods, EAOs often depend on smuggled weapons. The former NDA-K general explained:

> Chinese arms are very easy to get. After signing the agreement, you transfer the money into a Chinese account. And you get the weapons right away. They are delivered to your doorstep. If you pay a bit more, you can keep the car they use to deliver the guns. (…) And the ammunition is very cheap. The price for a bullet ranges from 7 jiao [*c.* US$0.10] to 2 or 3 yuan [*c.* US$0.50] for more expensive ones. And all of these bullets work in the M21, M22, and M23 [types of guns that are prevalent in the area].[58]

While the smuggling of guns is acknowledged, KIA supporters deny that drugs pass through the areas that they control, arguing that only the government and militias are benefitting from the drug trade. They blame heroin addiction in Kachin State on the Tatmadaw. The Kachin Baptist Convention, which is closely connected to the KIO/A, has even set up

several 'Drug Rehabilitation Centres' (Figure 3.5), and their anti-drug militia, the Pat Jasan, pick up drug users on the streets and bring them to the centres. The methods used in these centres, however, are questionable. At a visit to one of them, some people were kept in cages (see also Cousins, 2016; Shaw, 2017). The director explained that they were running three-month programmes and that people were only locked up waiting for their programme to begin. He explained that the programme would consists of 14 hours of 'prayers, teaching, work in the camp, and exercise'. He also said that when the centre was set up staff assumed that 'only bad people were using drugs' but that they soon realised that users' backgrounds were quite varied. 'Some people even come back repeatedly', he said.[59]

Figure 3.5   Drug Rehabilitation Centre, Myitkyina (January 2018)

It is widely accepted that the KIO/A is not involved in the drug trade and my research in Kachin State found no evidence that contradicts this view. How their role with regard to drugs is perceived by the public is particularly important for the KIO/A. In its 'Myanmar Opium Survey 2018', UNODC (2018c, p.3) says that the KIA controls or 'influence[s]' the

areas in Kachin State with 'the highest density of poppy cultivation'. The KIO (2019a) strongly rejects this claim, and it responded to UNODC's report with an open letter that states that the published maps erroneously identify an area that the government-controlled BGF controls as controlled by the KIO/A. It claims the KIO 'is well aware of the danger of narcotic drugs to our people' (ibid.) and has been 'actively involved in carrying out opium eradication, punishing dealers, and conducting rehabilitation programs for users' (ibid.). In support of their claim, the KIO (2019b) even released a 'Drug Issue Report' of its 'Fact-Finding Mission in Kachin and Northern Shan States' that closely resembles the format of UN reports. Clearly, the KIO considers it important to debate the claim. A study of the Transnational Institute (TNI, 2019) supports the KIO's view, confirming 'that there is presently no substantial opium cultivation in KIO-controlled areas' and that it is 'unclear how the UNODC arrives at its completely opposite claims about Kachin State, but it seems to be based on wrong assumptions about who "controls" which areas'.

However, EAOs that claim to be against the drug business can nonetheless in some cases benefit from it indirectly. For instance, the Ta'ang National Liberation Army (TNLA) in Shan State is a vocal opponent of opium production and one of its founding purposes was to combat drugs. But the ICG's recent investigation finds that opium farmers pay the TNLA's 'revolutionary tax', its primary source of revenue. The report concludes that 'smuggling and drug trafficking provide some of the most lucrative opportunities for the TNLA's taxation, with higher taxes reportedly being levied for these activities, and seized drugs reportedly often sold by the TNLA back into the supply chain' (2019, p.14).

Migrant Smuggling and Trafficking in Persons

The armed conflict in northern Myanmar is a key push factor that contributes to migrant smuggling and human trafficking. Many communities in ethnic minority regions are displaced by ongoing violent conflicts between the Tatmadaw and non-state armed groups. Across Kachin and northern Shan State, an estimated 120,000 people have been displaced since 1961, either internally or into China; many now depend on aid (see BBC, 2018a). The US Department of State argues: 'Ethnic minority groups in Burma – particularly internally displaced Rohingya, Rakhine, Shan, and Kachin communities – continued to be at elevated risk of forced labor, as a result of ongoing military incursions' (2017, p.107). However, violent conflict also works through less direct mechanisms, by

decimating the local economy and contributing to the high rates of unemployment that lead people to seek employment in China. The particularly vulnerable IDPs are especially targeted by brokers who traffic people to China.

I found no indications that non-state armed groups smuggle people or are involved in human trafficking. Most interviewees stated that the 'broker business' was neither linked to the government nor to the NDA-K or the KIO/A.[60] Local people can cross the border between Myanmar and China easily, and do not need the help of armed groups to do so. If they need help to find work in China, independent brokers offer support. These agents who help and convince people to work abroad appear to be business people linked to Chinese companies. Meanwhile, those who convince people to get married to Chinese men appear to be locals from the respective communities, who often got married to Chinese men previously themselves.

Meanwhile, Kachin civil society organisations (CSOs), and reportedly also the KIO/A itself, actively fight human trafficking, and help trafficked women to return to Kachin State. For instance, the chairman of the Kachin State Progressive Party stated that while KWAT was playing a key role, the KIA was also involved in combating human trafficking.[61] In some cases, non-state armed groups even cooperate directly with the government to address trafficking. For example, an interviewee explained: 'Like the police, the NDAA [the National Democratic Alliance Army, a non-state armed group based in Mong La in Northern Shan state] tries to arrest brokers. If they get them, they hand them over to the Myanmar police. And if the police try to arrest a broker in Mong La, they come to the NDAA's liaison office and ask for help.'[62] Similarly, the United Wa State Army was described as collaborating with Myanmar's police forces in cases of human trafficking.

However, non-state armed groups in Myanmar do participate in a particular type of people smuggling. Some groups are able to issue documents that are accepted in neighbouring countries and that allow people to cross the border in areas these non-state armed groups control. For instance, interviewees explained that the KIO/A issues border passes that enable Kachin to cross the border in Laiza. A KIO/A supporter explained: 'The KIO/A and the Chinese government have an agreement. The KIO/A issues red border passes that can be used to cross the border into China at Laiza. It costs 30 Yuan [*c.* US$4.50]. They look almost like the ones issued and used by the Myanmar government at Kampati border. (…) But most people think that they do not need any documents.'[63] The

spokesperson of the KIO's TAT denied this, and stated that they were only able to issue border passes before the fighting broke out.[64]

Similarly, an officer of the Restoration Council of Shan State/Shan State Army – South's (RCSS/SSA-S) Peace Committee Liaison Office in Kengtung told me that the Thai authorities accept documents his group issues, which enable members of the group, but not civilians living in their territory, to enter Thailand for up to seven days: 'We have RCSS documents, stamped by RCSS. They are accepted in Thailand; people can stay for five to seven days. It's a normal A4 document which states the name of the person going and the purpose of the trip.'[65]

Domestic Human Trafficking & Forced Recruitment

A related issue that might be described as domestic human trafficking is the forced recruitment of soldiers and fighters. While this does not involve taking people across international borders, it does involve forcing people to cross the internal borders that separate different warring factions, often making it difficult for them to return home.

The work of international non-governmental organisations shows that the Tatmadaw as well as non-state armed groups like the KIA have used children to fight for them (see e.g. Child Soldiers International, 2015). However, in my interviews, the forceful recruitment of adults was also raised repeatedly. While a large number of Kachin support the KIA, many do not want to fight for the group. But there are reports of the KIA recruiting people against their will, including people from other ethnic groups in Kachin State, and people of other ethnic groups were most likely to mention the practice. For instance, a Rawang man explained:[66] 'The KIA forcefully recruits people from our community. We are an abandoned community.'[67]

According to the interviewees, such recruitment not only happens in the areas that are controlled by the KIA, but also in areas that they can access. One interviewee in Myitkyina pointed out: 'It usually doesn't happen downtown, but it does happen at the edges of the city. (…) This has always been going on, but it's high season at the moment. Most people are recruited for fighting, but some of the women they take also become nurses.'[68]

A member of the Shan community reported on his personal experiences:

> My youngest daughter (…) and her friend got taken by the KIA in 2007. She was around 20 years old at the time. They were taken into their territory and

got locked up by KIA's 2nd Battalion. My daughter's friend tried to run away, but she was captured and shot. During the ceasefire, I went to the KIA and asked them to release my daughter. I then went to the military intelligence and they contacted the KIA, and she was ultimately released. I knew they had her, because the KIA had released a list of people with photos who had signed a petition against the 2008 constitution. She is fine today. But this forceful recruitment is still ongoing (…). They are never allowed to go home again. And if they are captured when trying to escape, they are shot to scare the others.[69]

A member of the Gurkha community in Kachin State also knew a young person who had been forced into service:

I was involved in one of these cases as a lawyer in Waingmaw Township [Figure 3.6] about a year ago. A boy had been picked up at night, captured by traffickers. His friend managed to run away. We went to the police and then travelled to the village where the kidnapping had happened. The anti-trafficking unit got involved, and ultimately a man got arrested. I questioned him myself, and he admitted that he had handed over the boy to the KIA. Then the police and the anti-trafficking unit dropped the case, because they can't go there. The boy doesn't even count as a victim of human trafficking, because he didn't cross an international border. This happens all the time, but nobody talks about it. (…) The KIA has an entire Gurkha unit as part of its Battalion 8. Most of these people have been recruited by force. But the KIA is the strongest armed group around here. Nobody dares to criticise them. If you do so, you might get targeted. I would estimate that 20% of the KIA were forcibly recruited. Usually they take people below the age of 18. When they get to their base they try to convince them of their ideology. Some people try to run away. But the Unlawful Associations Act makes it difficult to do so.[70]

The Unlawful Associations Act (India Act XIV, 1908) has been used to jail people who were in contact with non-state armed groups in Myanmar, including the KIA (see Saw Myint, 2013).[71]

Dissatisfaction with the lack of international attention to forced recruitment to insurgencies was widespread among interviewees. '[N]obody cares about what the KIA does', the lawyer from Waingmaw lamented.[72] According to the interviewees, the international community only cares about forced recruitment conducted by the military, not about taking action against similar methods employed by non-state armed groups. The interviewees felt that the government was unable to do anything about it, and CSOs were not of much help either for ethnic minorities in Kachin State, because most of them were linked to the Kachin community. As a consequence, an interviewee pointed out, many people who are part of an ethnic minority are so scared that they decide to move away.[73] De

*Figure 3.6   View across Irrawaddy river on Waingmaw Township
(January 2018)*

la Cour Venning (2019) shows that the KIO/A's Central Committee,
concerned about its international legitimacy, passed an order to halt the
recruitment of children in 2015 and formalised policy on this issue was
issued in March 2017. However, enforcement of this policy remains
weak and international organisations have little leverage as they are
limited in their ability to access areas controlled by non-state armed
groups like the KIO/A (ibid.).

It is not just the KIO/A that is accused of such practices. For instance,
in northern Shan State, interviewees reported that the TNLA was forcibly
recruiting members of other ethnic groups. Similarly, the RCSS/SSA-S
is accused of forcing Ta'ang to serve. Many armed groups have a 'one
household, one gun' rule, and will therefore leave family members alone
if anyone is serving with any group. However, due to the competition of
non-state armed groups in certain areas, interviewees pointed out, it can
happen that one household has to provide fighters for competing armed
groups.

SMUGGLING AND ARMED CONFLICT: THE ROLE OF THE STATE

State actors play a key role in the context of cross-border trade and smuggling in the China–Myanmar border region. Corruption appears to be widespread and systemic, enabling state officials and state-sponsored militias to benefit from the exploitation of natural resources and the smuggling of licit and illicit goods in various ways.

The Tatmadaw benefit directly through concessions for the large-scale exploitation of national resources that are then exported to China. As in the case of EAOs, just on a larger scale, the concessions matter more than bribes at the border crossing. One interviewee summarised: 'People who have the right documents [issued by the Tatmadaw] can take anything across the border, as much as they want to.'[74] To conceal the involvement of the state, it often operates through its own companies, the Myanmar Economic Holdings Limited and Myanmar Economic Corporation (Global Witness, 2015, p.11). The Global Witness report describes how systemic the corruption is: 'Myanmar's jade licensing system is wide open to corruption and cronyism. The main concessions are in government-controlled areas of Hpakant Township, Kachin State, and blocks are awarded through a centrally-controlled process which multiple industry sources say favours companies connected to powerful figures and high-ranking officials' (ibid., p.10). Hence, the report concludes, 'the army families and companies that own many of the jade mines would lose out in an equitable peace deal' (ibid., p.14).

But petty corruption matters also. For instance, an employee of a travel agency in Myitkyina explained that he can arrange official Myanmar ID cards for MMK 2 million (*c.* US$1,450) and that Chinese businessmen often buy them to be able to operate businesses in Myanmar.[75] Such documents allow people not only to reside in Myanmar, but also enable them to buy and own land there, facilitating the exploitation of border areas.

Beyond corruption and direct involvement of officials, state-affiliated militias like the former NDA-K and Zahkung Ting Ying's private forces are involved in the business of smuggling goods across the border to China from areas under their control. The fact that Zahkung Ting Ying and his forces control territory at the Chinese border allows them to exploit the natural resources there and export them to China. For instance, in June 2018 it was reported that 2,000 logs weighing 1,300 tons were smuggled from Chipwi and Tsawlaw townships, areas which

are under his control, to China (see Naing Zaw, 2018). An interviewee argued: 'His militias don't help to ensure security; they only ensure his personal profit.'[76] Another interviewee described his observation of Zahkung Ting Ying's activities:

> [H]e is selling all the natural resources from the area. He is doing logging, he is selling the animals and he is mining gold, minerals and marble. But his main business is poppy farming and he has around 30,000 acres. Before 2005, he used to do everything himself, being in direct control of the poppy cultivation and the factories producing heroin. Up to that point he also had his own factories for weapons, run with Chinese investments, technology, and staff. Now he works indirectly. He lets Chinese people use 'his land' for poppy cultivation and simply taxes them.[77]

An ICG study (2019) shows the key role militias play in the drug trade, and the impunity with which they can operate in Shan State. The study describes the background of a drug seizure in 2018 that found '30 million yaba pills, 1,750kg of crystal meth, more than 500kg of heroin and 200kg of caffeine powder' (p.6) in a location 'relatively close to Lashio, not far from the main road to the Chinese border at Muse – Myanmar's biggest overland trade route – in an area controlled by a militia allied with the Tatmadaw', 'not a remote, rebel-controlled part of Shan State beyond the authorities' reach' (ibid.).

There have also been reports of officials involved in migrant smuggling and human trafficking cases (see e.g. US Department of State, 2017, p.107). However, there is little evidence of an institutionalised direct involvement of the Tatmadaw. Even some non-state armed groups and CSOs appreciate the efforts of the police anti-trafficking task force, although they note its limitations with respect to bureaucratic constraints, inefficiencies, and a lack of capacity. In their 2013 report, KWAT found that the anti-trafficking border liaison office at Loije (also Lweje) does not seem to be operational, and that local communities are not aware of its existence (2013, p.16). Nonetheless, a number of interviewees, including civil society activists, acknowledged that members of the task force are well-meaning, and that the task force tries to address the issue of human trafficking, especially if they hear of a particular case.[78] The chairman of the Kachin State Progressive Party supported this claim, arguing that 'the government is cracking down on human trafficking.'[79] Hence, some armed groups cooperate with the Anti-Trafficking Task Force, even across lines of territorial control and despite the ongoing armed fight against the Myanmar military.

Just like the EAOs, the Tatmadaw are accused of forced recruitment, including of children (see e.g. Child Soldiers International, 2016). In 2018, UNICEF reported that the Tatmadaw had released more than 900 children following a Joint Action Plan with the UN. Particularly in Shan State interviewees were concerned about the Tatmadaw's recruitment practices. However, interviewees were even more concerned about the corrupting influence of the incentives that militias provide. One interviewee from Shan State's Lashio stated: 'Many militias don't pay a salary. They provide "opportunities" – such as land ownership, the permit to set up a check-point and to collect tax… If you join a militia you can hold a gun. You don't need to register your vehicle. You can drink for free if you say "you know who I am".'[80]

CONCLUSIONS

This chapter has illustrated striking differences as well as noticeable similarities between the KIO/A on the one hand and the Tatmadaw and state-affiliated militias on the other hand. All three actors are political authorities with territorial control in areas that border China. In these territories they generate revenues from the extraction of natural resources, which are then exported or smuggled to China. Hence, competition over the control of territory, in which extracting companies can be taxed, and over border crossings, which enable access to China, are among the driving forces of the violent conflict.

Local populations rarely have access to revenue from natural resources, which primarily benefit business elites and the armed actors on all sides. Even worse, the ongoing violence has resulted in a weak economy and high unemployment rates in places like Kachin State. Hence, many people try to find work across the border in China, sometimes with the help of brokers who function as middlemen. More directly, the armed conflict has also resulted in a large number of displaced people. Those living in these camps typically have even fewer opportunities to generate an income, and are particularly vulnerable to human trafficking. Driven by a demand for women in China, many women from northern Myanmar have ended up being married to men in China against their will. Few people have returned to Myanmar, also because of a lack of systematic cooperation of Chinese authorities with authorities and civil society in Myanmar.

In contrast to the smuggling of goods, the smuggling of migrants and the trafficking of people appears to be a business that individual brokers

run. It seems that these brokers do not have any strong institutionalised links to the Tatmadaw or non-state armed groups. Instead, people smugglers tend to cooperate with companies in China, which are in need of cheap labour, and with men, who are looking for marriage. On the other hand, both the Tatmadaw and the KIA are accused of forcing people to fight for them, particularly ethnic minorities in Kachin State, where they take people across the borders that separate KIO/A-controlled areas from Tatmadaw-controlled areas, which could be viewed as domestic human trafficking.

There are also key differences between the KIO/A, the Tatmadaw, and militias. Most obviously, their political visions are different. However, they also differ with regard to their involvement in the smuggling economy. Non-state armed groups like the KIO/A have to construct or maintain local legitimacy. Considering the ongoing conflict with the Tatmadaw, local support is crucial for military success, particularly in the absence of international support and where financial resources are limited. Accordingly, they have to consider and respond to the expectations of the people in the areas they control. Hence, to some extent, they have to be legitimacy-seeking rulers. For instance, being involved in jade smuggling does not threaten the KIO/A's local legitimacy, and it is a critical source of revenue.

In fact, if the KIO/A was a recognised *de jure* state, the extraction and trade of jade would be considered a legal economic activity, not a crime. But being a non-state armed group criminalises its cross-border activities. For instance, the KIO/A also cannot legally import weapons. Groups like the KIO/A therefore 'smuggle' weapons and ammunition into the country. This makes it important for non-state armed groups to control border regions, which allows them to import weapons without any interruption by the Tatmadaw. Despite its *de jure* non-state status, the *de facto* state-like status of the KIO/A is recognised by Chinese authorities in that they informally accept some documents the KIO/A issues that enable people to 'legally' cross the border.

By contrast to its near-open involvement in the jade trade, the KIO/A actively portrays itself as a group fighting the opium industry as a way to seek local and international legitimacy. Heroin addiction has turned into a major problem in Kachin areas, and it is widely seen as harmful to the local community. Without being able to draw on this source of revenue the KIO/A has to rely more on local taxes, which creates a greater imperative to respond to people's expectations in order to be able to justify taxation. Conversely, the issue of forceful recruit-

ment of children poses a threat to the KIO/A's local and international legitimacy. That the leadership has developed a policy against this practice reflects this concern. However, the continued practice of forcible recruitment shows that the perceived necessity to have more fighters on the local level may override such strategic concerns, particularly if the forceful recruitment targets other ethnic communities that are not a key audience for the group's legitimacy.

Conversely, the Tatmadaw can act much more ruthlessly in the border areas that are populated by ethnic minorities, drawing on the support they have in central Myanmar. Even less concerned with local legitimacy are the state-affiliated militias that are almost exclusively driven by economic interests. In contrast to the non-state armed groups they do not need to listen and adjust to any great degree to the concerns of the people in the territories they control. They have external legitimacy, as they are protected by the Tatmadaw and 'mandated' to extract and exploit. In a way, they are legitimacy-indifferent rulers, who face no constraints in their involvement in the smuggling economy, ensuring market-access for the resources extracted in the areas they control. The large-scale production of yaba in militia-controlled areas in Shan State further illustrates that such areas are also more attractive to operate in for smugglers and criminals. It is a comparatively peaceful and stable environment, compared to the risk of being shelled by the military when working in a KIO/A-controlled area. Hence, while, for instance, jade is extracted and exported from areas under control of all three authorities, the Tatmadaw and especially pro-state militias can also generate revenues from the production and export of drugs.

NOTES

1. Interview, 6 January 2019.
2. Meehan (2016) argues that opium production goes up when the Tatmadaw engages in statebuilding exercises, including ceasefires. The Tatmadaw allows the armed groups to grow opium, using the groups to control the borderlands and incentivising them with the profit they can make from opium cultivation.
3. The KIA also manufactures its own Chinese-style AK47s and ammunition.
4. The military government changed the country's name from the 'Union of Burma' to the 'Union of Myanmar' in 1989, arguing that the name would be more inclusive of non-Bamar ethnic groups. Aung San Suu Kyi stated she preferred the old name and many civil society organisations as well as some governments, including the UK, continue to refer to the country as Burma (see Selth and Gallagher, 2018, for a discussion of the name).

5.   See Myanmar Peace Monitor (2016) for an overview of resistance groups.
6.   The signatories were the Karen National Liberation Army–Peace Council (KNLA-PC), the All Burma Students' Democratic Front (ABSDF), the Democratic Karen Benevolent Army (DKBA), the Arakan Liberation Party (ALP), the Chin National Front (CNF), the Restoration Council of Shan State/Shan State Army – South (RCSS/SSA-S), the Karen National Liberation Army (KNLA) and the Pa-O National Liberation Organization (PNLO).
7.   The FPNCC comprises the United League of Arakan/Arakan Army (ULA/AA), the Kachin Independence Organization/Kachin Independence Army (KIO/KIA), the Myanmar National Truth and Justice Party/Myanmar National Democratic Alliance Army (MNTJP/MNDAA), the Palaung State Liberation Front/Ta'ang National Liberation Army (PSLF/TNLA), the Shan State Progress Party/Shan State Army – North (SSPP/SSA-N), the Peace and Solidarity Committee/Shan State East National Democratic Alliance Association (PSC/NDAA) and the United Wa State Party/Army (UWSP/UWSA).
8.   See Sadan (2013) for an exploration of the Kachin identity and an analysis of the conflict.
9.   Interview, 6 January 2018.
10.   Interview, 9 January 2018.
11.   See South (2018) for a detailed analysis of displacement in Kachin State.
12.   Interview with resident of Mali Yang IDP camp, 7 January 2018.
13.   e.g. interview with former insurgent, 5 January 2018 and interview with resident of Myitkyina, 5 January 2018.
14.   Interview with civil society activist, 7 January 2018.
15.   e.g. interview with former insurgent, 5 January 2018 and interview with civil society activist, 9 January 2018.
16.   See also KNG (2015).
17.   e.g. interview with lawyer from Myitkyina, 6 January 2018.
18.   Interview with former NDA-K general, 5 January 2018.
19.   Interview, 6 January 2018.
20.   Interview with former NDA-K general, 5 January 2018.
21.   Interview, 6 January 2018.
22.   Interview, 6 January 2018.
23.   Interview, 6 January 2018.
24.   Interview, 6 January 2018.
25.   Interview, 6 January 2018.
26.   Interview with resident of Mali Yang IDP camp, 7 January 2018.
27.   Interview with local politician, 7 January 2018.
28.   Interview, 6 January 2018.
29.   Opium is the term for the dried latex derived from the poppy plant.
30.   See Chouvy (2009) for a detailed analysis of the opium trade routes in Asia.
31.   Heroin is produced from opium by adding chemicals as well as, in some cases, other substances.
32.   Yaba is produced by mixing low-purity methamphetamines with caffeine (ICG, 2019, p.2). Yaba is sold as pills and is consumed orally. According

to UNODC (2013, p.62), Thailand is the epicentre of yaba use in the region. However, the popularity is also growing in other countries, such as Bangladesh, Indonesia and the Philippines.

33. Crystal meth is a high-purity methamphetamine (ICG, 2019, p.2).
34. Interview with migrant worker, 7 January 2018.
35. Interview with migrant worker, 8 January 2018.
36. Interview with migrant worker, 8 January 2018.
37. Interview with migrant worker, 8 January 2018.
38. Interview with migrant worker, 7 January 2018.
39. Video-interview with two migrant workers, 8 January 2018.
40. Interview with migrant worker, 8 January 2018.
41. Interview with migrant worker, 8 January 2018.
42. Video-interview with two migrant workers, 8 January 2018.
43. Interview with migrant worker, 8 January 2018. The interviewee further explained how the Chinese police operate and deal with migrant workers: 'Many people get arrested. Every time they check, they arrest 30 to 40 people. (…) People with expired documents are fined 50 Yuan. People who don't have any documents are put into jail for a day and a night and then are sent back. But they don't have to pay a fine. (…) They use the money from the people with expired documents to send the others back. And if the police check factories and workplaces and find people without documents, they have to pay a fine of 100 Yuan and are sent back.'
44. Interview with migrant worker, 8 January 2018.
45. Interview with migrant worker, 8 January 2018.
46. For a comprehensive study of this issue, see HRW (2019).
47. Interview with resident of Mali Yang IDP camp, 7 January 2018.
48. Interview with KWAT, 6 January 2018.
49. e.g. two interviews with lawyers, 6 January 2018.
50. Ibid.
51. Interview with migrant worker, 8 January 2018.
52. Interview with resident of Mali Yang IDP camp, 7 January 2018.
53. Interview with KWAT, 6 January 2018.
54. Interview with resident of Mali Yang IDP camp, 7 January 2018.
55. Interview, 7 January 2018.
56. Interview, 7 January 2018.
57. Interview with resident of border area, 7 January 2018.
58. Interview, 5 January 2018.
59. Interview, 8 January 2018.
60. E.g. interview with migrant worker, 8 January 2018.
61. Interview, 5 January 2018.
62. Interview with civil society activist, Kengtung, 14 January 2018.
63. Interview, 7 January 2018.
64. Interview, 9 January 2018. The KIO/A certainly maintains a sophisticated administration. De la Cour Venning's (2019) work describes the seal used on official documents that reads, 'Wunpawng Mungdan Shanglawt Asuya' – 'Government of Kachin Republic'. This seal can also be found on the KIO's open letter to UNODC.

65. Interview, Kengtung, 15 January 2018.
66. The Rawang are one of the smallest recognised ethnic groups in Myanmar. They are known as Dulong in China (see Wang, 2016).
67. Interview, 5 January 2018.
68. Interview with lawyer, 6 January 2018.
69. Interview, 7 January 2018.
70. Interview, 6 January 2018.
71. It defines 'unlawful association' as 'an association – (a) which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts, or (b) which has been declared to be unlawful by the President of the Union under the powers hereby conferred'. It further states that '17. (1) Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association or in any way assists the operations of any such association, shall be punished with imprisonment for a term [which shall not be less than two years and more than three years and shall also be liable to fine]' and '(2) Whoever manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term [which shall not be less than three years and more than five years and shall also be liable to fine]' (see ICNL, n.d.).
72. Interview, 6 January 2018.
73. Interview, 6 January 2018.
74. Interview with resident of border area, 7 January 2018.
75. Focus group discussion, 6 January 2018.
76. Interview, 6 January 2018.
77. Interview, 6 January 2018.
78. Interview, 6 January 2018.
79. Interview, 5 January 2018.
80. Interview, 19 January 2018.

4. International crisis & instant coffee: the Bangladesh–Myanmar border region

> So many people wanted to cross the river [from Myanmar into Bangladesh].
> There were Burmese helicopters above us, shooting down at us. Then they
> started throwing grenades. Everyone started running towards the river. People
> with money were able to cross first. There was no fixed rate [charged by the
> boatmen]. Of the people without money they simply took the nose jewellery
> or whatever they had left.[1]

This is how an interviewed Rohingya woman described her escape from
Myanmar to Bangladesh. The border region she crossed had gained
international attention after a protracted episode of state-led violence in
August 2017, resulting in the displacement of around 700,000 Rohingya
from Myanmar's Rakhine State, who crossed the border into Bangladesh
and now live in camps (Figure 4.1). A number of non-state armed groups
are active in the area, among them, most prominently at the time, the
Arakan Rohingya Salvation Army (ARSA).

I conducted research in the refugee camps at Cox's Bazar in Bangladesh
in November and December 2017 and again in March 2018, investigating
the conflict that caused the displacement of the Rohingya, the smuggling
economy and the activities of ARSA. This border area differed from
Myanmar's border with China and the Thailand–Malaysia border in that
a large international presence of humanitarian UN agencies and inter-
national NGOs were providing shelter, food and basic services for the
Rohingya. In addition, journalists from around the world were covering
the crisis. Suddenly a remote borderland had become the centre of inter-
national attention, with the conflict in Rakhine and the border crossing of
many people into Bangladesh being breaking news.

But despite the international attention on the border we know little
about ARSA or the local cross-border smuggling economy and how it
connects with the conflict in Rakhine. The smuggling economy at the
Myanmar–Bangladesh border has been vibrant for decades, long before

the crisis in 2017. Rohingya are not the only people who cross the border to escape violence in Myanmar; daily consumption goods, drugs and weapons are also smuggled across. For instance, the yaba that is produced in Myanmar's Shan State is smuggled in large quantities, catering to an extensive consumer base in Bangladesh (see also Figure 3.4).

Figure 4.1   *Cox's Bazar and Rakhine State*

BACKGROUND: A BRIEF HISTORY OF ARMED CONFLICT IN RAKHINE

The recent wave of violence against the Rohingya in Myanmar has to be understood against the backdrop of a long history of marginalisation and attempts to drive the community out of the country in order to create a national identity centred on Buddhism. The community that is commonly described as 'Rohingya' is a predominantly Muslim group of people from Arakan, what is today Myanmar's Rakhine State. The earliest records of the term 'Rohingya' exist from the late eighteenth century, but a Muslim population already lived in the area at the time of the independent Kingdom of Mrauk U (1429–1785) (Poling, 2014). The

Myanmar government does not use the term 'Rohingya', but calls the community 'Bengali' and views them as indelibly foreign.

Burma issued National Registration Cards to all residents whose families had been in the country's territory for at least two generations in 1952, including many Rohingya (Wade, 2017). However, after General Ne Win took power in 1962, they were gradually stripped of their rights and declared to be illegal Bengali immigrants (ibid.). Their National Registration credentials were replaced with Foreign Registration Certificates in 1974. In 1978, the state displaced 200,000 Rohingya to Bangladesh during a military campaign. In 1982, as part of a new Citizenship Act, all Rohingya living in Myanmar became de facto stateless as they were not considered to be one of the 135 'national races' that now defined citizenship (ibid.).

A number of Rohingya political groups with armed wings evolved in the late 1970s and early 1980s seeking to fight for the community's rights (Brennan and O'Hara, 2015). The best-known group was the Rohingya Solidarity Organisation (RSO) (ibid.). RSO was supported by Jamaat-e-Islami Bangladesh (BJeI), a major political party that had pursued the establishment of Islamic principles and code of law in Bangladesh until the country outlawed it in 2003 (Fair et al., 2017). With this backing, RSO was able to maintain bases on the Bangladeshi side of the border and train its fighters there. The Arakan Rohingya Islamic Front (ARIF) had splintered from the RSO in 1986, but they reunited in 1999 and became the Arakan Rohingya National Organisation (ARNO) (see ARNO, 2006; ICG, 2016, p.4). The consolidated armed wing was named the Rohingya National Army (RNA).

Meanwhile the Burmese government established a complex social engineering project, called Na Ta La, in 1988 (Wade, 2015). It aimed at weakening the Muslim population of Rakhine State by encouraging Buddhists from other parts of the country to migrate there (ibid.). In the mid-1990s inmates from prisons were offered early release when they agreed to resettle in Rakhine (ibid). In the 1990s the government also began to limit the movements of Rohingya in the country, making them obtain special permits in order to leave their townships (Wade, 2017). Efforts to settle more Buddhists in northern Rakhine (Figure 4.2) continued (Rahman, 2013). After 9/11, the Myanmar government embraced the US discourse of fighting a global 'War on Terror' (Allchin, 2019, p.131). It actively reached out to the Americans, sharing 'intelligence' with the US embassy in Yangon and attempting to link the Rohingya resistance to global terrorism by claiming that ARNO was in contact with Osama bin Laden and had its fighters trained by Al Qaeda in

Libya and Afghanistan (ibid.). However, according to Allchin, these claims were unfounded. According to his analysis, ARNO at this point was nothing more than a 'rag-tag group of aspirant organisations, some of which had perhaps a limited stock of arms' (ibid., p.132).

In the early 1990s around 230,000 Rohingya refugees left Myanmar for Bangladesh, living in camps close to Cox's Bazar. Most of them were repatriated to Myanmar in the following years, many of them forcibly (Refugees International, 2005). Following months of anti-Rohingya propaganda after decades of dehumanisation, violence erupted in Rakhine state in May 2012, triggered by an alleged gang rape and murder of a Rakhine Buddhist by Rohingya men (Green et al., 2015). A few days later, Rakhine Buddhist mobs attacked a bus Muslims were riding, killing ten. Members of the Rohingya community responded by attacking Buddhist property in Sittwe (Wade, 2017). Rakhine politicians called for Buddhists to cut all ties with the Rohingya, and riots quickly started to spread. The Myanmar government arrested a number of aid workers, including UNHCR staff, accusing them of 'stimulating' the violence (Robinson, 2012). When António Guterres, the UN High Commissioner for Refugees at the time, tried to negotiate their release in Yangon, the Myanmar government requested he resettle one million Rohingya to camps or a third country (ibid.). By August 2012, more than 100,000 Rohingya had been displaced due to the violence and were confined in camps (Wade, 2017).

In October 2012, coordinated mobs attacked Rohingya communities in nine townships of Rakhine state (Green et al., 2015). Following the violence, the Myanmar government revived the Na La Ta programme and reinforced its segregation measures, for instance by banning Rohingya from pursuing higher education (Nicosia, 2017; Wade, 2017). It built more villages for new settlers, this time also inviting Buddhists from Bangladesh, where they are a minority group, to move to Rakhine (Wade, 2017, pp.95–6; Rahman 2013). According to the Rohingya I interviewed, the Myanmar government seized land they had owned and gave it to the newcomers. One Rohingya refugee in Bangladesh reported:

> We had a good relationship with the Buddhists in our community. But then the government invited Buddhists from Bangladesh and gave them our land. They [the newcomers] told us that the Bangladeshi authorities had kicked them out. They only spoke Bangla, no Burmese. If a Rohingya had eight acres of land, the government took six and gave it to them [the Bengali settlers]. They also built them houses, while we had to survive on food aid from WFP [the World Food Programme]. I think that the Tatmadaw brought these people in to create violence.[2]

Figure 4.2   Rakhine State, Myanmar

In response to the perceived injustice against Rohingya, a new insurgency movement evolved, called Harakah al-Yaqin (Faith Movement) (ICG, 2016). Ata Ullah Abu Ammar Junooni, a Rohingya who had been born in Pakistan and grew up in Saudi Arabia and received funding for his movement from the Rohingya diaspora community in Saudi Arabia and other countries, led the group (ibid.). As the RSO/RNA had been largely inactive, trained fighters – possibly up to 700 – joined the new movement (Sakhawat, 2017). On 9 October 2016, the International Crisis Group reports, 'several hundred local Muslim men, armed mostly with knives and slingshots and about 30 firearms, launched simultaneous attacks on three BGP [Myanmar's Border Guard Police] posts in Maungdaw and Rathedaung townships near the north-western border with Bangladesh'

(ICG, 2016, p.6; see Figure 4.2). The Myanmar government reported that nine police officers were killed and 62 firearms were stolen (ibid.). In August 2017, Harakah al-Yaqin was renamed 'Arakan Rohingya Salvation Army' (ARSA), shifting its communicated ideology from a religious base to an ethno-national one. The Myanmar government considers ARSA to be 'terrorists'.

Another growing insurgency group is active in Rakhine State and is fighting against the Tatmadaw: the Arakan Army (AA). The AA was established in 2009 in Kachin State and was trained by the KIA in the early years. It views itself as representing the indigenous Buddhist Rakhine people and is fighting for independence and self-determination of Rakhine State. Drawing on its links with the KIA, the members of the AA not only receive a much more professional training than members of ARSA and are considerably better equipped with weapons, but the AA is also much larger; media reporting estimates that AA has around 7,000 fighters (*The Irrawaddy*, 2019a). Furthermore, the AA is suspected to be active in Bangladesh's Chittagong Hill Tracts (CHT) north of Cox's Bazar, which enables the group to operate across the border.

The August 2017 Escalation of Violence

On 25 August 2017, ARSA supporters, most of them untrained and only armed with machetes and sticks, conducted simultaneous attacks on an estimated 30 small BGP and army outposts (ICG, 2017b, p.6). According to the Myanmar government, 14 soldiers and 371 ARSA members were killed in the course of the attacks (ibid.). Three days later Ata Ullah directed ARSA's fighters to burn down Rakhine Buddhist villages. Most disregarded the order but three villages were attacked (ibid., pp.6–7). In one village in Maungdaw Township, ARSA members allegedly killed a large group of Hindus (ibid., p.7). While survivors first blamed Buddhist nationalists, Myanmar media later reported that the massacre was conducted by ARSA (ibid.). This case gained international attention through a subsequent Amnesty International (2018a) investigation, which reported that ARSA was responsible for the killings.

Following the attacks on 25 August, the Myanmar Tatmadaw, the BGP, the police, and groups of vigilantes pursued a large-scale campaign of violence against Rohingya in Rakhine State that lasted until 24 September 2017. The Independent International Fact-Finding Mission on Myanmar states in its final report that 'the operations were designed to instil immediate terror, with people woken by intense rapid weapons

Figure 4.3   Burning village in Rakhine viewed from Bangladesh (December 2017)[3]

fire, explosions, or the shouts and screams of villagers. Structures were set ablaze and Tatmadaw soldiers fired their guns indiscriminately into houses and fields, and at villagers' (Human Rights Council, 2018, p.178).

The Myanmar security forces and those who joined them killed an estimated 6,700 to 22,000 Rohingya (Green et al., 2018, p.14; MSF, 2017). An estimated 40% to 75% of the villages in northern Rakhine were destroyed (Figure 4.3; Green et al., 2018, p.14; Human Rights Council, 2018, p.178). Around 725,000 Rohingya fled across the border to Bangladesh (Human Rights Council, 2018). Médecins Sans Frontières (MSF, 2017) estimates that 28.4% of the displaced men and 23.3% of the women who arrived in Bangladesh had experienced violence. Both men and women were shot, beaten and burned in their houses. Sexual violence against women, including gang rapes, was widespread (see Human Rights Council, 2018, p.178; MSF, 2017). According to the Fact-Finding Mission, 'a total of 80 per cent of incidents of rape corroborated by the Mission were of gang rape, and 82 per cent of these gang rapes were perpetrated by the Tatmadaw', while other security forces and vigilantes

were responsible for the remaining share (Human Rights Council, 2018, p.216).

Many interviewees shared their experience of 25 August and the following days in their interviews with me. For example, a young man reported:

> On 25 August the problems started. The military came to our village at night. They stayed for about two hours, killing three children. Everyone else escaped from the village. We were worried that they would come back. The next day some people decided to leave for Bangladesh. I and some others decided to stay. I stayed with relatives close to my village. Two days later the military did come back. They burned half of the village. I saw it myself. They stayed for maybe five hours. I left a few days later. It was raining a lot. When I crossed the border river by boat the BGP and the military shot at the boats. Some boats capsized and many people drowned.[4]

He shared with me the photos (Figure 4.4) he took of his house after it was burned.

Figure 4.4   Burned house and animals in northern Rakhine State (September 2017)[5]

Another interviewee in one of the camps close to Cox's Bazar in Bangladesh remembered:

> On 25 August we heard a blast sound. I came out of the house and saw the military coming into the village. But they didn't stay and left again. Nothing happened on 26 and 27 August. On 28 August the military came again, with more people. They were very organised and started shooting. They were organised in three groups. Two groups shot villagers. A third group, which also included mogs [Rakhine Buddhists], took the valuable things from the houses and grabbed the animals. We heard that they were coming in revenge for an ARSA attack that happened on 25 August. We have a police outpost close by, it's just half a mile away from my office. And the military base is six miles away. 200 to 250 people came, consisting of locals from these bases and externals. We decided to flee to Tula Toli village. The chairman of the village there told us that everyone would be safe. He had talked to the military. He told us that they would come but wouldn't hurt us. The next day the military approached the village from three directions. We saw what was happening from the other side of the river. Some people started fleeing. Others were surrounded in the village. They separated eight women from a group, probably to rape them, and shot everyone else. In another group, they separated 20 to 30 women and took them to houses, taking turns raping them. Then they burned the houses with the women inside. I saw 12 groups of dead bodies. They put petrol on them and burned them. It was raining at the time. I hid in the hills for another day and then came to Bangladesh.[6]

According to the Fact-Finding Mission's report, 'The few women who survived, and who spoke with the Mission, displayed both serious burn marks and stab wounds, which were consistent with their accounts' (Human Rights Council, 2018, p.182). It is estimated that 750 people were killed in Tula Toli village in August 2017 (ibid., p.183).

Many interviewees reported that the Myanmar Tatmadaw had been trying to create divisions between Buddhist Rakhine and Muslim Rohingya in their communities, for instance through the Na Ta La programme, in the course of the previous years. Nonetheless, there were also some reports of Buddhists trying to help the Rohingya in the wake of the violence that occurred in August 2017. For example, an interviewee told me:

> We used to have a good relationship between Rohingya and Buddhists in our village… Our village leader was Buddhist. When the situation got harsh he called all Rohingya and told us not to worry, he wanted to protect us. But then the military came, threatened him and arrested him. The next day the military came to burn the village. I got woken up by gunshots in the morning… I only took the clothes I was wearing and ran… We later called the village leader

and complained, but he said he couldn't help because he got arrested. He tried
to help and protect us. He didn't even charge us high amounts of money to
protect us as other village leaders did.[7]

The Rohingya who fled from Rakhine and escaped across Naf river into
nearby Bangladesh joined an existing community of at least 200,000
Rohingya (some estimate up to 500,000) who had arrived in the previous
decades. They now live in numerous camps between Cox's Bazar and
Teknaf and are confined to this area (Figure 4.5). There are Bangladeshi
army and police checkpoints on the road leading to Cox's Bazar, where
Rohingya who try to leave the camps were stopped at the time of my
research.

Figure 4.5   Rohingya Refugee Camp, Bangladesh (December 2017)

While the Tatmadaw and affiliated actors perpetrated much of the
atrocities interviewees reported, the civilian government of Myanmar is
accused of bulldozing and handing over the land previously owned by the
Rohingya to Buddhists. In February 2018, after analysing satellite data,
Human Rights Watch (2018) reported that the Burmese government had

cleared many of the Rohingya villages, including some that were not previously damaged by the dire attacks, destroying evidence of the atrocities committed. The government continues to try to attract Buddhists from Bangladesh, offering them free land as well as free food for five years in Rakhine (*The Straits Times*, 2018). Of 1.4 million Rohingya who lived in Rakhine in 2014, only about 150,000 to 200,000 are left, most of them confined in camps (Green et al., 2018, p.14).

The Controversy Surrounding ARSA

Despite the international attention that followed the violence and mass-exodus of Rohingya in 2017, one actor remains shadowy and little understood: the Rohingya insurgency group ARSA. Other Rohingya organisations like ARNO distance themselves from ARSA and blame it for triggering the violence against Rohingya. They argue that ARSA did exactly what the Tatmadaw wanted the Rohingya to do, providing an excuse for a large-scale violent displacement. Many observers entertain the idea of ARSA actually being controlled by the Myanmar government.

This claim was also reiterated by some of the interviewed Rohingya in the refugee camps in Bangladesh. Others stated that they 'had never heard of ARSA',[8] 'had never seen ARSA members',[9] or that 'ARSA is just an excuse used by the Burmese military to arrest people.'[10] However, still others were supportive of ARSA and viewed it as the only active defence left for the Rohingya. They said that people did not talk about ARSA in order not to create risks for its members, some of whom had allegedly been arrested by Bangladeshi law enforcement or intelligence, or else were too afraid to talk about ARSA as they feared retribution.

Regardless of these competing perspectives, an entity that calls itself ARSA certainly exists. Not only does ARSA have a polished Twitter account, there were also people in the refugee camps who self-identified as ARSA members. Ata Ullah's whereabouts are unknown, with some claiming that he remains in northern Rakhine and others stating that he is in Bangladesh, but most of the rank-and-file members have left Myanmar with the other Rohingya refugees. However, it took a long time to identify them and all of them appeared to be very afraid of being interviewed.

Those ARSA members who did agree to be interviewed describe the main goal of their group as fighting for 'citizenship'[11] or 'general rights'.[12] Some also said they wanted to be able to live according to Islamic Law.[13] They stated that they were not fighting for independence but simply wanted more rights, and the ability to return to their land

within Myanmar. None of the people I interviewed had met Ata Ullah in person. Two main commanders report to Ata Ullah: Mr Hashem and Mr Kahild, who split responsibilities between northern Maungdaw and southern Maungdaw.[14] Below these two main commanders are 12 coordinators, responsible for clusters of around eight villages each, and often responsible for recruiting their own followers. All of the coordinators interviewed were religious leaders, not fighters. The ARSA members of the lower hierarchy level are divided according to three sets of 'specialities': fighters (the 'Tigers'), intelligence, and mines/improvised explosive devices (IEDs). The ARSA members communicate with each other mainly via WhatsApp.

As interviewees described, at the individual village level, there are often 15 to 30 ARSA members. Most only ever had sticks and machetes for weapons. According to the interviewees, one to three 'strong people' aged 12–30 in each village were singled out for training.[15] The details of the training are kept secret. One interviewee explained that he had to promise 'a big vow' to not talk about its details.[16] I suspect that one factor prompting the secrecy surrounding the training is its low quality, given the rudimentary weapons and lack of experience of the trainers, which the interviewees pointed out. One interviewee stated that even during the training sessions they always only use wooden fake weapons, never touching real ones.

According to interviewees, commanders had established the impression that other ARSA groups and ARSA members had guns, and that they would just have to wait for guns to arrive. For instance, one group was told 'your group doesn't have guns, but the groups further up in the north do.'[17] Others were told they would get guns after their training.[18] But then after training they were told 'if you follow Allah everything will be okay. You will get arms if you follow Allah.'[19] Only one of the interviewees had ever used a gun, and he said that four other members of his group had a gun. He said, 'I did have a gun during the attacks in August. But I got a 9mm instead of a rifle.'[20] Similarly, a senior commander told me that some of his subordinates had rifles and pistols.[21]

According to the interviewees, the Tiger group had about 200 members of which around 40 had access to guns. They explained that they had only been successful in stealing guns from police stations or military barracks through raids once or twice, which they had carried into battle on 9 October 2016.[22] Generally, the lack of guns was repeatedly brought up as a main concern by ARSA members.

Rank-and-file ARSA members said that they had not been particularly violent. They stated that their main responsibility was to watch and warn the women in case of arriving military forces. One interviewee explained: 'When we saw the military, all the women left to another village. Men tried to remain alert, but we didn't fight back.'[23] When I asked them directly about the accusation that ARSA's actions had triggered the Tatmadaw's response, the interviewees claimed that ARSA's mission was resistance against the violence the Rohingya community had been experiencing for a long time. One interviewee stated: 'ARSA was resisting. The genocide did not happen because of our attack.'[24] Another interviewee asked: 'What other option do we have to stand up against the government?'[25]

In addition to the lack of equipment and the crack-down of the Tatmadaw on the Rohingya, ARSA also has to deal with the growing influence of the AA. The AA and ARSA share an enemy: the Tatmadaw. Both the indigenous Rakhine Buddhists and the Muslim Rohingya are historically part of the same Arakan Kingdom. The Tatmadaw claim ARSA and the AA are collaborating (e.g. *The Irrawaddy*, 2019b), but this seems unlikely since the relationship between Rohingya and Rakhine is often strained. Instead, the relationship between the groups is more likely to be one of mutual recognition and non-interference. The AA strongly denies any collaboration and, in March 2019, the deputy leader of the AA, Nyo Tun Aung, stated publicly that the group would even be willing to cooperate with the Tatmadaw to crack down on ARSA (see Mon, 2019).

THE SMUGGLING ECONOMY

The Smuggling of Goods

It is not only Rohingya who cross the border from Bangladesh to Myanmar at Cox's Bazar. Whenever I stopped at one of the many small shops in the refugee camps at Cox's Bazar for a coffee break, the coffee was made in Myanmar. This instant coffee is quite easy to identify without even reading the label because of the '3 in 1' nature that is popular in Myanmar, containing coffee, milk and sugar – most likely in reverse order.

I found it intriguing that simple goods such as coffee, which could also be purchased easily in Bangladesh, are smuggled across a border at which many have been shot or drowned. While the border was formally closed

at the time of my research, a range of products from Myanmar were available in the Rohingya refugee camps. Smuggling routes for such goods have existed for a long time as the communities on both sides of the border are closely connected, not least because Rohingya have been displaced to Bangladesh repeatedly since the 1970s.

Illicit goods are also traded across the border and have been for a long time, independently of the recent migration of Rohingya refugees. The yaba produced on a large scale in Myanmar's Shan State, as well as other drugs, used to be smuggled across the Naf river into Bangladesh on fishing vessels. There is limited data available on the scale of yaba use in Bangladesh, but it has clearly become an immensely popular drug in the country. It is widely and easily available, not just in Cox's Bazar but across the country, including in Dhaka (see e.g. Thompson, 2017).

According to Bremner (2018), 'boatmen would hide the pills in onions, watermelons, or in plastic bags that they sunk underwater and attached to the gunwale of their boats.' However, with the influx of Rohingya, the refugees have turned out to be a cheaper alternative for the smuggling networks. Some Rohingya refugees brought yaba with them, knowing it to be a valuable currency in Bangladesh. But, more crucially, smuggling networks in Bangladesh now use refugees and ask them to go back to Myanmar and return to Bangladesh with more yaba (ibid.). Desperate to make a living, refugees are willing to take big risks for low payment. From the border area, the drugs are smuggled to the refugee camps. The smuggling networks appear to draw particularly on Rohingya women for this work, as they are less likely to be checked (ibid.). Once in the camps, the drugs can be hidden easily, due to the camps' enormous size and a 7pm curfew for Bangladeshi officials. This scheme puts most of the risk on the vulnerable Rohingya while the powerful businessmen from Bangladesh profit.

According to many interviewees, it is an open secret in Cox's Bazar that one person running much of the criminal activities in the area is a local MP, a member of the ruling Awami League party, and his family. The MP is sometimes referred to as the 'Yaba Godfather'. Even the Bangladeshi Department of Narcotics Control describes him and his family as the key players in control of the yaba 'import' from Myanmar (Haque and Barua, 2014). Following the beginning of a 'war on drugs' in Bangladesh, the MP briefly left the country in June 2018 (Saad and Rahaman, 2018), but he has since returned to Bangladesh. In December 2018, after I had concluded my research, his wife took over his seat in parliament. In February 2019, some of his family members surrendered in a formal ceremony. However, the former MP did not attend.

In addition to drugs, guns are smuggled across the border. While on a smaller scale overall, a number of large shipments of guns have been reported. In the past, shipments of weapons from China and Thailand were smuggled on boats to Cox's Bazar or Chittagong, often via Myanmar. From there they were transported on trucks via the Chittagong Hill Tracts, supplying, for instance, insurgency groups in northeast India and western Myanmar (Reddy and Reddy, 2007, p.70). In 2004, ten truck-loads of weapons, including sub-machine guns, rocket launchers, grenade launchers and hand grenades, were discovered in Chittagong's port (BEI et al., 2013, p.29; Habib, 2004). In the trial that followed, Motiur Rahman Nizami, the former leader of the Bangladesh Jamaat-e-Islami party, the former home minister Lutfozzaman Babar, and two senior intelligence officers, as well as ten others, were sentenced to death. In 2010, a plan by the insurgency group NSCN-IM, based in northeast India, to ship 1,000 AK rifles and 50 machine guns from the China–Vietnam border to Cox's Bazar was foiled (*bdnews24*, 2014).

While Chittagong and Cox's Bazar remain prominent entry points for smuggled guns (see e.g. *Daily Asian Age*, 2018), the area around Cox's Bazar has also evolved into a production hub for weapons. In 2017, an illegal arms factory was discovered in Cox's Bazar (see *Dhaka Tribune*, 2017a). According to media reports there are around 50 illegal arms manufacturing workshops in the Greater Chittagong area (*Dhaka Mirror*, 2013). Hence, guns are now also smuggled from Bangladesh to Myanmar. An ARSA member told me that the group also tried to smuggle weapons from Bangladesh into Myanmar, but Bangladeshi law enforcement officers captured the gun runner.[26]

The Smuggling of People

At the time of my research, however, what was smuggled the most were people: Rohingya escaping from Myanmar. As Bangladesh opened its border to the Rohingya in 2017, the crossing did not formally qualify as 'smuggling' anymore. Nonetheless, the large number of people who wanted to cross the Naf river (Figure 4.6) from Myanmar to Bangladesh was an opportunity for people who had been active in the people smug-gling business before, such as local fishermen.

The Rohingya refugees I interviewed described fluctuating prices for the border crossing, depending on time and geography; around BDT 10,000 (*c*. US$120) was common, and many had to hand over their jewellery to the boatmen to be taken across. Some refugees stated

that the boatmen only took them to the middle of the river and then demanded more money, threatening to let them drown if they did not pay. Conversely, the interviewed Bangladeshi boatmen described themselves as helpful rather than exploitative. They claimed that they simply wanted to help when they saw people stranded at the shore, that they asked for no money but that the refugees insisted, 'we will give you whatever we have'.[27] Rich refugees paid well and poor people did not. It is certainly possible that some boatmen told the truth, but the refugees' statements suggest this was a business opportunity for many.

Figure 4.6   View from Bangladesh across Naf river (December 2017)

Transporting refugees is an established business in the area, and people have been fleeing Myanmar, sometimes via Bangladesh, for Thailand and Malaysia for years. Estimates say that more than 60,000 Rohingya were in Malaysia by September 2017 (*NST*, 2017). The interviewed boatmen described having taken up to 60 people, all a particular boat could hold, three to four times per month out to bigger boats waiting to take them across the Andaman Sea. They described this as a highly organised business run by a Cox's Bazar-based mafia-like group, in which always the

same middlemen, who were Bangladeshis from Cox's Bazar, approached them and informed them about the next job. They would be paid BDT 1,000 (*c.* US$12) per smuggled person.

This was the starting point of a risky journey, on which many refugees later crossed through the Thailand–Malaysia border (Figure 4.7). A female interviewee in one of the refugee camps in Bangladesh reported:

> My husband left six years ago – and he hasn't sent me any money since. In advance, he had to pay BDT 20,000 [*c.* US$240]. In every village there was a middleman, who collected the people. When they had enough people, they left. He took a very small fishing boat to Bangladesh. He then had to pay another BDT 500 [*c.* US$6] as a fare for the boat. From Bangladesh he then took a bigger boat to Malaysia. After reaching Malaysia he was imprisoned for two years.[28]

Another woman shared her story:

> My husband left five years ago. He left early in the morning. Other people in the village told him: 'Why are you still here? When you get to Malaysia, there will be a job for you.' And we do have six children to care for. He paid three lakhs [MMK 300,000; *c.* US$220] before boarding the boat. They went out in small boats, with about ten people in each from different villages. In the deep sea there was a big boat waiting for them. Everyone who entered that big boat disappeared.[29]

As mentioned in Chapter 3, the smuggling of refugees can turn into human trafficking, as some of the refugees were later kept in camps in the Thailand–Malaysia border area as hostages until their family members paid for their release. Others were held captive, sometimes raped, tortured and killed, on fishing vessels (Fortify Rights and Suhakam, 2019). In August 2017, there were 300 cases against human traffickers pending at the court in Cox's Bazar. However, all of these cases were against middlemen or boatmen, rather than more senior persons within the networks (see Illius, 2017). A refugee reported what had happened to his brother:

> In 2012, my brother left for Malaysia. This is when the atrocities in Myanmar started. Many young people got arrested. So he decided to leave. He took a small boat from the shore and there was a bigger boat waiting for them. The Burmese border guards charged everyone another 1 lakh before they allowed them to get on the boat [MMK 100,000; *c.* US$75]. When they got to Thailand, they got detained by the smugglers. I got a phone call and I could hear my brother crying. He told me that he hadn't had any food in five days and that they would kill him. We managed to collect 5 lakhs [MMK 500,000;

c. US\$365) for them. We gave the money to a shop in Maungdaw. The shop is owned by a Buddhist. But the smuggling business is run by a mixed group of Rohingya and Buddhists. But instead of releasing him, they sold him to another group. He worked for them for six months for free as a mechanic. This is happening to many people: they are kept as hostages.[30]

Figure 4.7   The route to Malaysia

Since the recent influx of Rohingya into Bangladesh, the camps and the borders in the area have been tightly controlled, preventing people from moving further into Bangladesh or leaving for Thailand and Malaysia by sea. While rich refugees were still able to travel to Malaysia using fake documents and air travel, smuggling via boat had virtually come to a standstill at the time of my research in 2017/18. However, the interviewed fishermen stated that they were waiting for the border

controls to be relaxed again to resume their activities in support of the migrant smuggling networks. Considering the large number of people in the camps, many of whom already have relatives in Malaysia, large numbers of refugees can be expected to try their luck and to take a boat to Malaysia, once the security measures have been relaxed, and once they feel certain that they have no future in Bangladesh and no chance of returning to Myanmar.

Rohingya refugees, including those from previous waves of migration and displacement, are not allowed to leave the camps and work or study in other parts of the region or Bangladesh. However, an organised network provides Bangladeshi identity papers for those who can afford it. Further, at the time of the interviews, a growing number of Rohingya women and children were trafficked out of the camps. An organised criminal network from Cox's Bazar was promising young women and children work, for instance as domestic helpers, as a ruse to force them into sex work (see also BBC, 2018b; Stratford, 2018; UNICEF, 2017). It is unclear whether a single centralised network perpetuates this trafficking or whether there are several criminal groups with different areas of business – such as smuggling of people to Malaysia, providing documents to Rohingya, and human trafficking. Sometimes the recruiters are Bangladeshi, whereas in other cases Rohingya women are used as middle-women to convince other Rohingya, in keeping with common human trafficking approaches across the region.

Bangladeshi army officers admitted that they neither had a mandate nor the means to work successfully against this mafia-like threat. 'If you get into their way, they simply kill you',[31] a soldier stated. They also described a second form of trafficking out of the camps for sexual exploitation. According to an army officer, many Bangladeshi men who do not appear to be part of any network and who often travel from other parts of Bangladesh to the camps take women out with a promise of marriage, intending to sell them or have them as a 'second wife'.

SMUGGLING AND ARMED CONFLICT

Smuggling and Insurgents

Armed conflict in the Bangladesh–Myanmar border region has created numerous business opportunities for criminal networks. Insurgencies are commonly assumed to be part of or even in charge of these networks. ARSA has been blamed repeatedly, especially by the Myanmar govern-

ment (e.g. *The Irrawaddy*, 2019b), for being involved in the smuggling of drugs (e.g. *Dhaka Tribune*, 2017b). The group denied such accusations on Twitter, arguing that 'there are other armed groups, dacoit groups [bandits], human trafficking groups, drug trafficking groups and some other groups (…) disguising [themselves] as the members of ARSA with the intention to tarnish the noble image of ARSA in the eyes of the international community' (ARSA, 2018). Indeed, so far no evidence has been found that supports such an accusation (e.g. *RFA*, 2017). Also my research does not suggest ARSA has the means, capacity and level of organisation to be an important actor in the drug trade, given that they cannot even obtain sufficient weapons to carry out insurgency actions. Furthermore, as a Rohingya insurgency, ARSA is unlikely to be a preferred business partner for the yaba producers in Myanmar's Shan State and, as Allchin (2019, p.137) points out, they lack the patronage networks in Bangladesh that would enable them to operate there. Nonetheless, other non-state armed groups may very well be benefitting from the drug trade. For instance, the AA in Myanmar is often considered an involved actor, and they have networks in northern Myanmar and Bangladesh's CHT, which affords them good access to both the production and sales markets of yaba (see e.g. Allchin, 2019, p.137).

Conversely, as a non-state armed group, it is likely that ARSA is involved in weapon smuggling. The insurgencies in Bangladesh, India and Myanmar need arms, which in some cases are smuggled by criminal networks through Cox's Bazar. Cox's Bazar is only one of the hubs for the arms trade. In Myanmar, many groups can more easily source weapons from China or Thailand. However, ARSA, with its much more limited networks and support in the region, has had not much success in its attempts to purchase weapons in Cox's Bazar or elsewhere and smuggle them to Rakhine State. Instead, ARSA obtained most of its weapons from raids on compounds that belong to Myanmar's security forces.

As with drug smuggling, I found little evidence that ARSA is involved in people smuggling, and AA as well as other political non-state armed groups seem unlikely to be involved. In one exception, interviewed ARSA members were still going forth and back between Myanmar and Bangladesh at the time of my research, essentially smuggling themselves. One fighter reported: 'I went [to Myanmar] 14 days ago. But the army noticed. So I had to escape.'[32] But it is not only ARSA members that cross the border like this; others have returned for various reasons, such as checking on what has happened to their property.

In another exception, ARSA may have played a limited role in people smuggling that could be described as an unsuccessful humanitarian approach. According to some ARSA members, the group tried to help refugees by renting six boats from fishermen for them to take Rohingya across the river for free. However, this initiative failed as the boatmen nonetheless charged the refugees, and the initiative was therefore abandoned. Other ARSA members explained that in some cases they helped people with cash to pay the boatmen and afford the journey to Bangladesh. In addition, both ARSA members and refugees stated that the group in some cases protected refugees at the shore of the Naf river by forming a protective circle around them, even though they were not armed either. An ARSA member claimed: 'Every day we went out to protect people.'[33] An interviewee who received such help explained: 'ARSA formed a circle around us when the army was shooting into the crowd at the beach. They were not armed and many got killed. But even more civilians got killed nonetheless.'[34] However, many interviewed refugees reported that they had never heard of such incidents.

Smuggling and the State

As I found at other borders, state actors are a considerably more important player in the smuggling economy at the Myanmar–Bangladesh border than non-state armed groups, both with regard to the smuggling of people and goods.

On the Myanmar side of the border in Rakhine State, corruption – in the form of paying bribes to the Tatmadaw – enabled some Rohingya to escape from the violence in some cases, according to interviewees, even during the brutal clearance operation in August 2017. An Amnesty International report found that 'In most cases, only those who were able to pay huge bribes to the security forces were released, leaving those from poor families at greater risk of prolonged detention and further torture' (2018b, p.26). Also the Myanmar coastguard benefitted from the Rohingya refugees. Interviewees reported that even though they were not charged at the time of the mass-exodus in August 2017, the Myanmar coastguard used to charge people a 'fee' allowing them to get on a boat, when they had tried to leave the country in the past.

Furthermore, the involvement of the state authorities in Myanmar in the yaba economy appears to be very systemic. The *Dhaka Tribune* reported in 2019 how the Tatmadaw and border guards help the boatmen, letting them use their official jetties at Naf river and loading their boats (Khan,

2019). As the area is under the tight control of the Tatmadaw, and already was so before August 2017, it is indeed difficult to imagine large-scale yaba smuggling operations without their acceptance or involvement. This fits into the analysis of the Bangladesh government that suspects the involvement of state authorities on the Myanmar side (see Bremner, 2018) and it matches the observations made about the involvement of the Tatmadaw in the drug trade in other parts of Myanmar. Restricted access to the area does limit actual independent evidence. However, for instance, in October 2017, two Tatmadaw soldiers were arrested in Rakhine with almost two million yaba pills, most likely from Shan State (*Frontier Myanmar*, 2017).

Evidence is similarly scant regarding state authorities on the Bangladeshi side of the border, but what exists suggest they are a note-worthy actor in the smuggling economy. It is not just corrupt officials that look the other way – there appears to be a more direct and systemic involvement. This can be illustrated by what I was told when I asked about the trafficking of Rohingya out of the camps. A Bangladeshi army officer in the camps told me that they were arresting around 50 people a day, whom they caught attempting to smuggle women or children out.[35] This was hardly a surprising number, since every day when I left the camps in the evening, I experienced a significant number of checks by the military.[36] Based on their mandate, the officer explained, the army had to hand over all people they arrested to the local police. Acting on this, I went to the police station, hoping to meet some of the traffickers or, failing that, to gain an understanding of how the police treat them. The responsible high-ranking police officer at the station told me that they only had a very few, isolated cases of people smuggling and human trafficking and that there currently were no people under arrest. Human trafficking, he stated, was not a major concern.[37]

It would be premature to accuse the police of corruption, possibly releasing large numbers of arrested people daily. However, considering the vast difference in the accounts of the army and the police this seems to be a likely explanation, even if the army's statement were exaggerated. Evidence also suggests the local Bangladeshi police are not preventing the trafficking of women and children out of the camps. A *Dhaka Tribune* article reported that Bangladeshi intelligence agencies had prepared a list of around 40 suspected traffickers active in the camps. Meanwhile, the Superintendent of Police of Cox's Bazar commented that 'there are no human traffickers in the Rohingya camps, and police have full control over the camp areas' (Mahmud, 2017).

Looking at the drug smuggling activities in the border area illustrates that some local authorities in Bangladesh are part of or closely connected to criminal networks – as not least the case of the local MP shows. If dealers pay a certain weekly fee, these state-linked networks ensure that they and their drug mules remain unharmed. A drug dealer interviewed by a newspaper stated that they had to pay 'up to $120 a week on bribes to create safe passage for their mules' to 'contacts' (Bremner, 2018). These contacts ensured that the police would not hold them (ibid.). He added: 'A lot of the authorities around here are not only not preventing the crime, but they are also part of it' (ibid.). And a high-level Bangladeshi official acknowledged that they are 'well aware that both the authorities in our own country and in Myanmar are involved in the trade [of yaba]' (ibid.). Indeed, in 2015, 26 police officers from Cox's Bazar were on a list the Bangladeshi intelligence agency compiled of people involved in the drug smuggling business (Momin, 2015). As the case of gun smuggling illustrated above shows, it is not just local authorities but in some cases also high government officials that support and profit from the smuggling economy.

In addition to this institutional link, state authorities, particularly officials from law enforcement agencies, appear to be making use of criminal opportunities in the smuggling context as they arise. For instance, newspaper reporting shows that police officers who confiscate yaba only declare part of the haul and keep the rest to sell themselves. For instance, in September 2017, police officers from Cox's Bazar seized 730,000 yaba pills, but only declared 8,000 (*Daily Star*, 2018). While confiscating some yaba creates the impression that the police are doing something against the drug trade, such measures may also be used to put pressure on independent drug dealers to join the state-linked network and pay a weekly fee, thus ensuring their protection.

CONCLUSIONS

The case of the Myanmar–Bangladesh border areas illustrates a number of dimensions that link armed conflict to the smuggling economy. While the smuggling economy is long-standing, the conflict did create new opportunities and expanded existing ones. On a local level, the state-perpetrated violence in Rakhine resulted in large-scale displace-ment of people, and the sudden swell of people seeking to cross the Naf river from Myanmar into Bangladesh created ad hoc business opportunities for local fishermen, who charged people for helping them.

Meanwhile, having a fairly open border also enabled some refugees to make some money from smuggling yaba across the border, helping them to survive in the camps.

Going beyond the activities of such 'little fish', the displacement and resulting situation has also created a growing business opportunity for more organised criminal networks. Such networks 'organise' many of the activities that relate to smuggling. They are in charge of the smuggling of yaba from Myanmar to Bangladesh, using the Rohingya to do the dangerous part; they provide false documents for refugees who can afford it, which allows them to leave the camps and, if they want to, to travel to Malaysia; they traffic women and children out of the camps into forced labour and prostitution; and they organise the smuggling of refugees to Malaysia via boat, with the help of local fishermen.

It is not clear to what extent these businesses are operated by one or multiple networks. However, the networks seem to not only be working across international borders, but also bridging nationalities and ethnic groups. For instance, on the Myanmar side, according to the accounts of victims, both Buddhists and Rohingya are part of the people smuggling operations. On the Bangladeshi side of the border, Bengali people seem to dominate the business, while Rohingya are only used at the bottom of the hierarchy, for instance to transport drugs.

On both sides of the border, criminal networks appear to be closely linked to state authorities, including both high-level officials and local officers. The key role that state actors play in the local smuggling economy became particularly apparent in the context of smuggling illicit goods, such as, most prominently, yaba. With little or no risk of detection and prosecution, the smuggling activities can run much more smoothly and more cost-efficiently than any 'independent' smuggler would be able to achieve.

Conversely, non-state armed groups play little role in smuggling at the Bangladesh–Myanmar border. For criminal networks, non-state armed groups like ARSA are not a relevant partner as they do not control the border or any territory, and are not able to block or facilitate their activities. Further, ARSA members are considered to be 'terrorists' in Myanmar who are actively searched for and association with them carries risks. Hence, ARSA's role seems to be limited to being customers of criminal networks, for instance, when wanting to buy arms.

Not controlling territory, ARSA can be categorised as a rebel, which limits its ability to play a significant role in the smuggling economy. However, compared to the situation for a group like BRN in Southern

Thailand, the situation is even more difficult for ARSA. Almost the entire ethnic group ARSA claims to represent, the Rohingya, has been displaced from their territory in Myanmar and is at risk when returning. Hence, it is unlikely for ARSA – or any other exclusively Rohingya organisation – to play any influential role in the smuggling economy. Legitimacy considerations are secondary to territorial constraints. It remains unclear whether building local legitimacy is a priority for ARSA. On the one hand, ARSA is responding to local expectations, resisting the Tatmadaw and, in some cases, helping people to flee from Myanmar. On the other hand, many Rohingya believe ARSA triggered the large-scale violence against the Rohingya.

The AA is far more influential than ARSA, and it has networks across the border and controls some territory. This gives it more opportunities to get involved in the smuggling economy, including the smuggling of drugs, and is a more attractive business partner for smugglers. Nonetheless, compared to the systemic involvement of state actors in the smuggling economy of this border region its role appears also to be minor.

Violence and armed conflict, such as that at Myanmar's border with China and at the Thailand–Malaysia border, deters smugglers who prefer stable environments and routes that offer predictability and low risks. Meanwhile, the smuggling economy at Myanmar's Bangladesh border has flourished in spite of the violence that occurred in Rakhine state in August 2017. The conflict increased the demand for people smugglers and the displacement created the demand for goods smuggled in from Myanmar to Bangladesh. Perhaps more surprisingly, the smuggling of transit goods, that only pass through the area, such as yaba, continues on the same if not a larger scale.

Three differences, when compared to Southern Thailand and Kachin State, may help to explain these dynamics. First, violence in Southern Thailand and Kachin State is not intended to push a large number of people out of the country and across the border. Hence, the violence does not spark a new demand for people smuggling or the smuggling of daily consumption goods. Meanwhile, the displaced Rohingya wanted to cross to Bangladesh, requiring the help of fishermen, and in Bangladesh they continue to consume goods from Myanmar that need to be smuggled. The existence of vast refugee camps in Bangladesh in turn has created opportunities for human traffickers. The second difference compared to the other two borders is that there is no alternate route for drug smuggling from the drug production in Myanmar's Shan State to the consumers

in Bangladesh's Dhaka that offers a more peaceful connection and that has good roads. Shifting the smuggling route would almost certainly require considerable detours or much more tedious smuggling operations in rough terrain. The third difference is that the episode of violence in Rakhine was short and the activities of non-state armed groups such as ARSA do not affect the smuggling economy greatly. Being closely linked to and protected by state authorities, smugglers continue to have a high level of predictability for their business that enables them to continue their operations.

NOTES

1. Interview, 2 December 2017.
2. Interview, 2 December 2017.
3. The photo was digitally edited to enhance the visibility of the background.
4. Interview, 4 December 2017.
5. This photo was taken by the interviewee.
6. Interview, 6 December 2017. The interviewee's account matches other reports of a large-scale massacre in Tula Toli (see e.g. HRW, 2017; Human Rights Council, 2018, pp.178–84).
7. Interview, 2 December 2017.
8. E.g. interview, 2 December 2017.
9. Interview, 6 December 2017.
10. Interview, 6 December 2017.
11. E.g. interview, 1 December 2017.
12. Interview, 5 December 2017.
13. Interview, 6 December 2017.
14. Reportedly, the two commanders had switched their responsibilities a few days before 25 August.
15. Interview, 2 December 2017.
16. Interview, 3 December 2017.
17. Interview, 2 December 2017.
18. Interview, 3 December 2017.
19. Interview, 2 December 2017.
20. Interview, 3 December 2017.
21. Interview, 6 December 2017.
22. E.g. interview, 1 December 2017; interview, 5 December 2017.
23. Interview, 2 December 2017.
24. Interview, 5 December 2017.
25. Interview, 5 December 2017.
26. Interview, 3 December 2017.
27. Interview, 5 December 2017.
28. Interview, 2 December 2017.
29. Interview, 2 December 2017.
30. Interview, 2 December 2017.

31. Interview, December 2017 (date anonymised).
32. Interview, 3 December 2017.
33. Interview, 3 December 2017.
34. Interview, 2 December 2017.
35. Interview, 5 December 2017.
36. The level of control and the number of checkpoints were subsequently reduced again.
37. Interview, 6 December 2017.

5. Rice & ransoms: the Indonesia–Philippines–Malaysia border region

'So long as the seas have no fence, it will not stop', an interviewee prophesised, referring to smuggling in the border region of Indonesia, Malaysia and the Philippines, where all the borders are in the sea. The area is large and includes many small islands, which makes it difficult to patrol. The region also has its share of non-state armed actors. In Mindanao, in the south of the Philippines, organised non-state armed groups fight for more regional autonomy for the Moro people. In Indonesia, more extremist networks, some linked to the Islamic State, conduct attacks that are often directed against civilians. The region also has groups like the Abu Sayyaf Group (ASG) that are nominally political but, as Gutierrez writes, 'better understood as a network of dangerous criminal entrepreneurs, similar to an armed mob' (2016, p.184) than a non-state armed group with political motives.

As the border region is large, this chapter uses two case studies (Figure 5.1): in the east, the route connecting Mindanao in the Philippines, Sabah in Malaysia and North Kalimantan in Indonesia; in the west, the route connecting Mindanao in the Philippines and North Sulawesi in Indonesia. I conducted research in Indonesia's North Kalimantan (Nunukan) and North Sulawesi (Manado, Tahuna, Bitung) and in Mindanao (Davao, Zamboanga, Cotabato) in the Philippines, in April 2018 and in May–June 2018.

In the east, between Mindanao and North Sulawesi, local people from the Philippines and Indonesia cross the border on a regular basis, particularly for fishing. Both licit and illicit goods are smuggled between the countries on the same route. The illicit goods smuggled include the weapons that are used for some of the attacks in Indonesia and are imported from the Philippines. However, less people smuggling happens on this route, because the distance between Indonesia and the Philippines is comparatively far, and because there are few pull factors for migrant workers, who tend to consider Malaysia to be a more attractive destination for work.
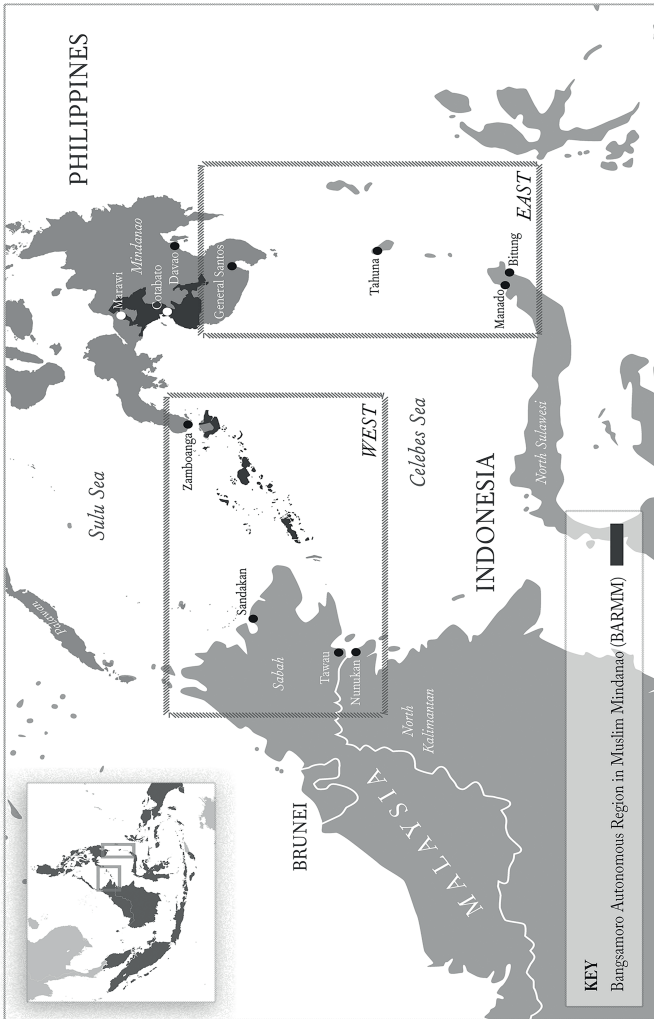
Figure 5.1   Indonesia–Philippines–Malaysia border region

In the west, between North Kalimantan, Sabah and Sulu, where small islands are close together and boats can easily make stops on the way, the smuggling activities are more diverse. Daily consumption goods such as rice are smuggled from Malaysia to the Philippines as well as to Indonesia. Migrant workers cross from Indonesia into Malaysia to work on the palm oil plantations. In addition, there are more irregular border crossings from and into the Philippines in this border area and non-state armed groups that do not control territory use it to smuggle fighters. The Philippines has proven a safe haven and space for training for members of armed groups from both Indonesia and Malaysia.

BACKGROUND: A BRIEF HISTORY OF ARMED CONFLICT IN THE REGION

Armed Conflict in Mindanao

The south of the Philippines, particularly Mindanao, the country's second biggest island, has been a hotspot for conflict since the late 1960s. While Christians dominate the country, comprising more than 90% of Filipinos, a third of Mindanao's population is Muslim, commonly termed Moro people. Islam arrived in the Philippines in the thirteenth or fourteenth century, several hundred years before the arrival of Spanish Catholics, and sultanates such as Sulu and Maguindanao were established. A number of these sultanates remained independent until the USA colonised the Philippines. The colonial government offered free land to Christian Filipinos who would resettle in Mindanao beginning in 1912, creating the intended effect of establishing a Christian majority (Hernandez, 2017).

For example, the independent sultanate Sulu (Figure 5.2) only became part of the then US colony of the Philippines in 1915. By 1878, the Sulu Sultanate had handed over a part of its territory, Sabah, to the British for an annual amount of 5,000 Malayan dollars (an amount that was raised to 5,300 in 1903). Sabah has become a flashpoint because of its particular history, and the question of whether the deal was a lease or the territory was ceded remains controversial to this day. While the territory was 'ceded' according to the British version of the contract, it was only leased according to the Sulu version. Sabah gained independence from the British in 1963 and became a part of Malaysia. However, the Philippines, after gaining independence from the USA, claimed that Sabah was part of the Philippines as the legal successor of the Sulu Sultanate (e.g. Republic

of the Philippines, 1968). Meanwhile, Malaysia continued to pay an annual fee of MYR 5,300, which they called 'cession money', to the heirs of the Sulu Sultan, a practice that continues to this day (Lee Brago, 2015).

Figure 5.2   Sabah and the Sultanate of Sulu[1]

In 1968, a group of Moro from Sulu were recruited into a paramilitary unit and received military training, financed by the government of the Philippines, as part of a secret operation called 'Merdeka', later renamed 'Jabidah', to destabilise Sabah and justify a Filipino military intervention. For much discussed but unknown reasons, however, the army killed at least ten and possibly as many as 68 of the Moro recruits and no one was held accountable (see e.g. Asani, 1985; Rodell, 2015). What became known as the 'Jabidah Massacre' led to the creation of the Muslim Independence Movement (MIM; later renamed the Mindanao Independence Movement), which sought to establish 'Bangsamoro', a nation of Moro. The MIM was a predominantly non-violent movement

and disbanded when its leader joined the government through negoti- ations with President Ferdinand Marcos in 1970 (Stanford University, 2015a). However, Malaysia then started to provide arms to Moros and, in 1972, former members of the MIM's youth division established the Moro National Liberation Front (MNLF) (ibid.). In September 1972, Marcos established martial law, which weakened the influence of non-violent Moro groups and empowered armed groups, including the MNLF (ibid.). Due to the conflict, by 1976, 120,000 people had been killed, 100,000 people had fled to Malaysia and another one million people had been internally displaced (USIP, 2005, p.4). Backed by Libya, the MNLF quickly became the dominant armed group, fighting for a separate state on the basis of nationalist (rather than religious) claims (Stanford University, 2015a). The group was funded through foreign actors, including Libya, Malaysia and Saudi Arabia, and demanded 'zakat', a religious obligation to share wealth, as a form of tax locally in the areas it influenced (ibid.).

In 1976, Libya mediated the so-called 'Tripoli Agreement' between the MNLF and the government of the Philippines, in which Marcos committed to creating an autonomous area for the Moro people within the country (ibid.). However, the government did not implement the agree- ment directly, and instead held a referendum in the affected provinces (ibid.). Because the Moro people only constituted a majority in a few provinces, it resulted in two small disconnected semi-autonomous areas, that became the Autonomous Region in Muslim Mindanao (ARMM) in 1989. Dissatisfied, the MNLF took up arms again in 1977 (ibid.).

Also dissatisfied with the result, a group later termed the Moro Islamic Liberation Front (MILF) split off from the MNLF the same year, demanding a stronger focus on Islam. MILF's popular support grew steadily as it provided effective governance in the areas it controlled, while its armed wing, the Bangsamoro Islamic Armed Forces (BIAF), conducted bombings infrequently to illustrate its strength to the outside world. The MILF continued to collect zakat and applied rigid Islamic principles, governed in a participatory manner and provided government services (Adam, 2018; Stanford University, 2015b). It gained legitimacy through its religious ideology that reflected the ideal of socioeconomic equality, positioning the MILF in opposition to a government and elites that were perceived as corrupt (Adam, 2018, p.20).

In 1996 the MNLF signed a peace agreement with the government that expanded the territory of ARMM, promised development and investments, and integrated MNLF fighters into the Filipino police force.

However, ARMM and its administration were widely seen as corrupt and inefficient. Interviewees described ARMM as a 'kingdom in the clouds', with little control over local governance, dependent on funds allocated by the central government.[2] The MILF became the dominant armed group that channelled continued discontent. In the years that followed, the government pursued varying strategies towards MILF, resulting in more violent and more peaceful phases. Four in ten households in Central Mindanao were displaced between 2000 and 2010 (Vinck & Bell, 2011). Most displacement was internal but it did spur emigration, primarily to Malaysia.

In 2012 and 2014, the MILF and the government signed agreements to establish a new region with more autonomy called 'Bangsamoro' to replace ARMM.[3] The agreements gave the government of Bangsamoro the right to tax its citizens directly and to retain 75% of tax revenue, passing the rest on to the central government. But the passage of the Bangsamoro Basic Law (BBL), which would have implemented the agreements, was delayed. President Duterte warned the public and the legislature in January 2018 that further delay would lead to 'war in Mindanao' (Regencia, 2018). It was a reasonable fear as the MILF had an estimated 30,000 armed fighters at the time.

In May 2018, both chambers of the Congress of the Philippines, the House of Representatives and the Senate, had passed the BBL, but with more than 100 amendments the Senate version rolled back concessions considerably, making the proposed Bangsamoro scarcely more autonomous than ARMM. At a conference that I attended in June 2018, MILF vice-chairman Ghazali Jaafar stated: 'If there is no BBL, there is no decommissioning.'[4] Civil society activists I interviewed in Cotabato City stood behind the MILF, saying that the group had the mandate of the Moro people. They argued that a failure of the BBL could result in the development of more extreme armed groups. In the past, they pointed out, failed agreements, agreements that did not live up to the expectations of the population, or agreements in which the leaders appeared to be 'bought' by the government, had led to the growth of more radical splinter groups.[5]

Finally, in July 2018, President Duterte signed the BBL, renamed Bangsamoro Organic Law (BOL), and the population in Mindanao approved it in a two-part plebiscite in January and February 2019. The ratified law provides for the creation of a new Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) replacing ARMM. The approved version gives BARMM more autonomy and greater terri-

tory than ARMM, comprising Lanao del Sur and Maguindanao as well as the islands Basilan, Sulu and Tawi-tawi (see Figure 5.1). Its capital is Cotabato City. The interim parliament, the Bangsamoro Transition Authority, is led by Murad Ebrahim, the chairman of the MILF, as the Chief Minister.[6] The MILF started decommissioning in September 2019.

Other Non-State Armed Groups in the Philippines

Despite the notable progress in the peace process, a number of non-state armed groups remain active in Mindanao, some of which may be poised to gain steam from the decommissioning of MILF. Possibly best known is the Abu Sayyaf Group (ASG), which has existed since 1991. Its founder, Abdurajak Abubakar Janjalani, was a former member of the MNLF who established the group after studying in the Middle East and travelling to Saudi Arabia, Pakistan and Afghanistan (Stanford University, 2015c). Janjalani and the supporters he gathered, many of whom had a poor economic background, demanded independence but were more radical than the MNLF/MILF (ibid.). They reportedly maintained links with Al Qaeda and became famous for their violent tactics, including bombings, assassinations and kidnappings (ibid.). Police killed Janjalani in 1998, but the ASG nonetheless conducted a number of high-profile attacks in the 2000s.

The ASG has never had broad-based support like the MNLF/MILF and currently has an estimated 400 members (ibid.). Since the late 2000s, the group's main visible activity has been kidnappings, including of foreigners, for ransom. However, the ASG also tried to undermine the peace process, for instance, by killing a group of Muslims during a celebration of the end of Ramadan in 2014 (ibid.). In 2014, the group pledged allegiance to the Islamic State but the extent of their cooperation is unknown (ibid.). Instead, the group is known for its violence against civilians and its focus on sourcing money (ibid.). Most people, including the supporters of MNLF/MILF I spoke with, consider the ASG to be a criminal rather than a political group. In particular, the list of kidnappings for ransom conducted by the ASG is long. Often the group beheads the hostages if its demands are not met. For instance, in 2015 the ASG beheaded a Malaysian hostage. In another case, the group held a Dutch birdwatcher hostage for seven years, and then killed him in 2019.

Since 2013, another armed group, the so-called Maute group (also known as Islamic State of Lanao), has been active in Mindanao. Key members of the group, including the brothers Omar and Abdullah Maute,

were part of the MILF, but split off because of the peace talks in which the MILF was engaged. They pledged allegiance to the Islamic State in 2015 and in 2017, with the help of ASG fighters as well as reportedly up to 100 foreign fighters (see e.g. Ellis-Petersen and Fonbuena, 2018), overran the city of Marawi. They burned buildings, beheading police officers, and announced a caliphate.[7] President Duterte declared martial law across Mindanao and the army defeated the group after many months of fighting, ultimately killing the Maute brothers. In total, it is estimated that 1,200 people were killed in the Battle of Marawi (ibid.). While the group was severely weakened, it has since reorganised. According to an interviewee in Cotabato, around 300 fighters are still active.[8] In January 2019, the group struck again, killing several soldiers in Lanao del Sur.

A third non-state armed group with a presence in Mindanao is driven by a very different kind of ideology. The New People's Army (NPA) was formed in 1969 as the armed wing of the Communist Party of the Philippines. It is active in various parts of the country and its approximately 5,000 members seek to overthrow the government and redistribute the land (Stanford University, 2015d). The group builds on support in rural areas where it controls some territory (ibid.). Rubin (2019, p.2) shows that communities often support the NPA because it offers governance that improves the status quo. The group finances itself through a 'revolutionary tax' for businesses and commits violence against politicians, government agencies and security forces as well as businesses that are unwilling to pay the tax. The Philippines government considers NPA to be a terrorist organisation. In late 2018, Duterte announced that he wanted to establish 'death squads' to hunt members of NPA (see e.g. DW, 2018).

Jemaah Islamiyah – A Regional Player

Across the Celebes Sea, in Indonesia and Malaysia, armed groups are active that do not control any territory and are best described as networks. They usually draw on very small, but also very radical, support bases with links to international terrorist networks such as Al Qaeda or the Islamic State. In contrast to the ASG they do have political objectives. However, they are not concerned with achieving political control by building a large local support base. Instead, they aim at destabilising the states in the region through attacks. As Abuza puts it, such groups 'do not need large numbers to be dangerous' (2006, p.84).

One prominent group is Jemaah Islamiyah (JI). It was established by two Yemeni-born Indonesian clerics in Malaysia at some point in the late 1980s or early 1990s, who wanted to create a pan-Islamic state in Southeast Asia (Stanford University, 2015e). Many of its early members were trained in Afghanistan in the 1990s, and had reportedly established links to Al Qaeda there. In the following years, its members were trained in the Philippines, where the group established ties with MILF. In 2001, the Singapore government prevented a planned attack on a number of diplomatic missions in the country. In 2002, the group conducted an attack on night clubs in Bali, killing 202 people. A number of other large-scale attacks in Indonesia have been attributed to JI, including in Jakarta in 2002, 2004, and 2009 and again in Bali in 2005. The group finances itself through donations; however, according to media reports the group also sustains a palm oil plantation business (Soeriaatmadja, 2019).

While JI had a presence in five countries in 2001 – in Malaysia, Indonesia, Singapore, the Philippines and Australia – following crack-downs by the countries' law enforcement agencies, its military structure had been reduced to a single unit in Indonesia by 2005 (IPAC 2017a, p.2). From 2007 to 2010, after a clash with the Indonesian police, the group prioritised 'dakwah' (preaching and religious outreach) over violent jihad (ibid., p.1) to rebuild its base. JI re-established its military wing in 2010, and sent people to Syria for training between 2011 and 2014 (ibid. pp.7–8). However, the Indonesian police raided an arms factory that served the group in 2014 and arrested a number of key members (ibid., p.10). In June 2019, they arrested the group's suspected leader, Para Wijayanto, in Jakarta. Nonetheless, the Institute for Policy Analysis of Conflict warned that further splintering of JI could lead to groups more militant and professional than 'anything Indonesian extremism has to offer today' (ibid.).[9]

Jamaah Ansharut Daulah – Radical Islam in Indonesia

More active in Indonesia at the time of research were Jamaah Ansharut Daulah (JAD) and Jamaah Ansarul Khilafah (JAK). JAK has been responsible for fewer attacks but the UN Security Council has described it as a 'growing threat' in 2018 (2018, p.8). JAD is best described as a network of groups and individuals that sympathise with the IS. A report finds that the JAD cell in Bandung (Western Java) evolved out of former supporters of the disbanded group Darul Islam/Negara Islam Indonesia (DI/NII)[10] as, in 2015, they became fascinated by the IS in Syria, which

controlled and governed territory according to Islamic law. Hence, its members were trained to support and fight for the IS in Syria. However, when it became increasingly difficult to go to Syria, and when the IS encouraged people to conduct attacks in their home countries in 2016, they changed their plans and focused on targets within Indonesia (IPAC, 2018, p.8).

Like JI, JAD does not control territory and does not aim at building a large local support base, instead focusing on undermining states through violent attacks. It finances itself through external sources, through a number of individuals abroad who are assumed to be linked to the IS (see e.g. *The Jakarta Post*, 2019). The network first gained attention through an attack carried out in central Jakarta in January 2016, killing 25 people. In May 2017, two people linked to JAD carried out a suicide attack on a bus terminal in East Jakarta (Chew, 2017). In May 2018, a family carried out suicide attacks in three churches in Surabaya, Indonesia. According to media reports, the family had been to Syria, where they fought for the IS (*BBC*, 2018c).

THE SMUGGLING ECONOMY

The Border Areas

The region that hosts such a large number of armed groups is also home to an extensive smuggling economy. A study on illicit trade in Sulu and Tawi-tawi, in the south of Mindanao, finds that the shadow economy may exceed the size of the official economy (Villanueva, 2016, p.276). In Tawi-Tawi, customs regulations are considered to be 'disruptive', increasing the prices of goods such as rice (Quitoriano, forthcoming).[11] Most smugglers are local people who know the waters and the small islands dotted across the area.

The two border regions explored in this chapter have different geographic features and distances between countries. In the west, the border city Tawau in Malaysia's Sabah is a short boat ride from Nunukan in Indonesia's North Kalimantan. Here also the southern islands of the Philippines that are part of the new Bangsamoro Autonomous Region in Muslim Mindanao are close. Meanwhile, the distance between the Philippines and Indonesia's North Sulawesi in the east is bigger.

In both border regions, trade has happened for centuries and many links exist between communities across the borders of today's nation states. In the west, the Sulu Sultanate, today a part of the Philippines,

used to comprise Sabah, which is now part of Malaysia. In the east, there is the Sangir tribe, which is from Indonesia's Sangir (or Sangihe) Talaud islands,[12] north of Indonesia's Sulawesi (Celebes) island. The Sangirs have always crossed between what are Indonesia and the Philippines today. Some Sangirs now reside in the southern part of the Philippines and have become Filipino citizens, while maintaining a strong bond with their Indonesian roots (Hastings, 2010, pp.146–71; Valesco, 2010). In addition, people in the borderlands have historically married across national lines and there are no physical characteristics that make it easy to differentiate between today's nationalities.

The Smuggling of Goods

The border between the three countries in the Celebes and Sulu seas is dubbed 'the smugglers' paradise'. Most of the goods smuggled are ordinary consumption goods. As in Southern Thailand, goods are imported and exported depending on where they are cheaper, while avoiding the payment of customs duty. The vast scale of this 'irregular' trade makes it difficult to call these activities smuggling.

The west
In the west (Figure 5.3), an extensive informal trade network connects irregular harbours in the Philippines, Malaysia and Indonesia. I visited some of these harbours in Indonesia's Nunukan (Figure 5.4), in close proximity to Tawau in Malaysia. While the harbours are quiet during the day, they are busy places at night, when the local police checkpoint is closed. The interviewees explained that they use boats with particularly quiet engines to avoid detection by Malaysian patrol vessels.[13]

Similarly, from Semporna in Malaysia, Tawi-tawi in the south of the Sulu archipelago in the Philippines can be reached quickly. This route is used to smuggle goods, including the rice that is much demanded in the Philippines (see e.g. Jacinto, 2018). A rice shortage in Mindanao has resulted in a rapid increase of prices, particularly in Zamboanga City and Basilan. In Tawi-tawi, an estimated 90% of the rice and other daily consumption goods - such as sugar, cooking oil, and fuel - are from Malaysia (Villanueva, 2016, p.265; see also Quitoriano, forthcoming). A study describes an extensive and organised network running the operations, consisting of small traders, brokers, boat owners, customs, police, port operators, port labourers, truck operators and warehouses (Villanueva, 2016, p.264). An increase in border patrols and coordination between

Figure 5.3   Border area – west

Indonesia, Malaysia and the Philippines that were agreed on in 2016 because of the kidnappings by the ASG led to a shift of at least some smugglers from Sulu further to the northwest, to Palawan, which is also readily accessible to Malaysia, but the smuggling economy for licit goods remains strong.

Smugglers also move illicit goods in this border area. For example, drugs, particularly methamphetamines, which are often called 'shabu' in the region, often pass from Malaysia through the border crossing at Nunukan to Kalimantan in Indonesia (see e.g. Adri, 2017; *Daily Express*,

Figure 5.4   Irregular harbour in Nunukan, Indonesia (April 2018)

2018). The use and production of shabu used to be high in Mindanao (Cagoco-Guiam and Schoofs, 2016, p.126). The shabu was taken to Tawi-tawi and from there smuggled across the border to Sandakan in Malaysia's Sabah to be distributed there or to be smuggled further to Indonesia across the border at Nunukan. However, increasingly, meth-amphetamines are smuggled all the way from Myanmar (see Figure 3.4). They are smuggled through Thailand (see Chapter 2) into Malaysia. On domestic flights from Kuala Lumpur they are then taken to Sandakan and Kota Kinabalu airports in Sabah.

The east
The eastern route (Figure 5.5) that connects the Philippines with Indonesia is also popular with smugglers even though the boats here have to cross considerably longer distances on the open sea. In Tahuna, on the remote Indonesian Sangihe island, in close proximity to the Philippines, the main road is packed with shops selling goods smuggled from the Philippines, such as sandals and shoes, mattresses, perfume, Coca Cola, umbrellas and plastic brooms.[14] In addition, the eastern route

is a well-known gateway for cigarettes, alcohol and weapons. A man who had worked for Filipino smugglers at Marore port, a small Indonesian island further north of Tahuna, explained in a newspaper interview that the route, which he calls the 'rat alley', was largely unmonitored and it was easy to track navy ships that might interfere with smuggling operations (Hanifan, 2017). However, he pointed out that Marine Affairs and Fisheries Minister Susi Pudjiastuti had tightened surveillance (ibid.).

Figure 5.5   Border area – east

The Philippines is a source of weapons that supply non-state armed groups, a switch from the 1970s when the MNLF relied heavily on arms from Libya. Back then, these weapons were mainly smuggled through Sabah to the Philippines, as the Sulu leader had strong ties with Malaysia. Today, most guns traded illegally in the Philippines to clients as far off as Japan's Triad were originally bought from legal gun traders or corrupt security forces (Villanueva, 2016, p.274). In addition to legally produced weapons, knockoffs of international brands called *paltik* are smuggled from the country (Miani, 2011). According to media reports, Danao City is known for having the Philippines' best illegal gunsmiths (McGeow, 2013; Quitoriano, 2013). Armed groups in Indonesia seek and commonly use weapons from the Philippines. A former JI member explained in an interview that JI disassembled weapons, boxed them, and wrapped them like gifts to avoid attention.[15]

A story by a local Indonesian crime magazine, *Gamma* (2000), describes the small gun smuggling business in Sulawesi between 1999 and 2000. At the time, the police caught a man named Meyer – a smuggler of pornographic DVDs and fighting cockerels – on a transport boat that served Bitung (North Sulawesi) and General Santos (Mindanao) with weapons. Meyer was smuggling a grenade and a Colt 38 from General Santos and was on the way to Bitung. He received IDR 750,000 (*c.* US$85) as a payment for each smuggled weapon. The same journalist also interviewed a man called Manase from Sangihe Talaud, who was arrested in February 2000 with two semi-automatic pistols from the Philippines. Manase said that selling guns was a lucrative business, as he bought the guns for PHP 2,500 (or IDR 500,000 at the time, *c.* US$50) each in General Santos, and could dispose of them for four times as much in Indonesia.

While details have likely changed in more than two decades, the routes and methods remain. For example, the weapons used by JAD in the attack in Jakarta in January 2016 were reportedly from the Philippines (e.g. *GMA News*, 2016; Renaldi, 2018). Likewise, in September 2017, the police confiscated seven illegal weapons in Sangihe Talaud.[16] However, the smuggling of arms appears to happen on a small scale.

Meanwhile, the smuggling activities in the region are not limited to the borderlands and irregular harbours where I conducted my research. Quite the contrary, as most of the smuggling of both licit and illicit goods is conducted through the main trade hubs. Manila's port is frequently in the news in the context of large-scale smuggling cases. For instance, at Manila Container Port, customs seized smuggled goods worth PHP 33

million (*c*. US\$620,000), much of it rice, coming from China in May 2018 (see *Rappler*, 2018). In 2017, 600kg of methamphetamines worth US\$126 million that had been declared as kitchenware were found at the same port, resulting in accusations that customs officials were involved in the business (see e.g. Parpan and Lardizabal, 2017). According to the Philippine Drug Enforcement Agency, organised mafia-like criminal groups with links to China are the key actors responsible for most of the drug smuggling into the Philippines (see e.g. Cagoco-Guiam and Schoofs, 2016, p.138; Dumlao, 2017).

The Smuggling of People

Due to the Association of Southeast Asian Nations (ASEAN) Framework Agreement on Visa Exemption, citizens of the ten member states, which include Indonesia, Malaysia, and the Philippines, usually do not need a visa for a stay of up to 14 days in another member state. People – including supporters and members or armed groups – can easily travel between the countries. Most people take a plane or ferries. However, work permits are far more difficult to get. Demand for labour in Malaysia has driven migrant smuggling. Indonesians as well as Filipinos, some of them displaced by conflict, are seeking work in Malaysia, yet many Filipinos also do so further away, including in Europe and in the Middle East.

The west
Labour migration was a particularly prominent phenomenon in the western area. Sabah and other parts of Borneo – the way the island that is named Kalimantan in Indonesia is called in Malaysia – have many palm oil plantations, which require a lot of labour, much provided by migrant workers. Some of these migrant workers in Malaysia came because of the violence in the Philippines. Civil society activists in Mindanao explained how many people escaped the fighting by crossing into Sabah via Sulu (see Figure 5.3). For Indonesians, a popular border crossing to Sabah is Nunukan, an island in close proximity to Tawau in Malaysia. The people crossing the border here are usually from North Kalimantan, Sulawesi and Java. While there are legal pathways for Indonesians to work in Malaysia, my interviewees stated that most people choose to go illegally, using irregular routes, as they are faster and less complicated.

In Nunukan, agents that specialise in placing migrant workers wait at the harbour and offer their services to the people arriving who are looking

for work. Such agencies arrange much of the smuggling of migrant workers into Malaysia through the port, using established links with companies and plantations in Malaysia. Most of these agencies operate illegally, and arrange migrant passage to Malaysia using irregular routes. They often provide forged documents, giving them some security in case they are checked by the police.

Nonetheless, many migrant workers get deported. According to local civil society activists, each week around 100 deportees from Malaysia arrive in Nunukan alone.[17] Interviewees said that they were avoiding leaving the plantations in Malaysia to avoid arrest. Some had hidden in the forest because police approach their place of employment. In addition to the threat of deportation, migrant workers without documents receive lower pay than other workers, MYR 600–700 (*c.* US$150–75) instead of MYR 1,200 (*c.* US$300) per month.

The business is highly profitable for the agents, who receive payments from employers for delivering workers and can garnish the wages of workers they deliver, as well as collecting upfront fees for their services and the documents provided. According to some interviewees, legal pathways would actually be cheaper for migrants, but getting a work permit for Malaysia requires a sponsor there, which is difficult to find for migrants without connections. Some people simply do not know that they need documents and others do not want to wait until they could obtain documents, figuring they can make up for some of the cost of going illegally by earning more quickly. Many others are not even aware that they could obtain documents to migrate legally.[18]

The east

Irregular border crossings are also common in the east, but rarely involve smuggling others. Most are undertaken by locals who, for instance, illegally fish in the waters of a neighbouring country, sometimes without noticing that they have crossed a border. The Indonesian Marine and Fisheries Supervision (PSDKP) patrols the waters and tries to identify boats from the Philippines. PSDKP told me they had arrested about 400 Filipino fishermen in 2017.[19] In the past, captured boats have also been destroyed or sunk as a deterrent (see e.g. *Reuters*, 2017a).

There are cases of large fishing vessels, from the Philippines and elsewhere, exploiting Indonesian waters. However, most of the 'illegal' fishing in the area does not happen on an industrial scale. Often it is caused by geographic proximity and facilitated by how easy it is to cross the border between Indonesia and the Philippines. Through research on

each side of the border, I learned that many Indonesians have settled in the south of Mindanao and many Filipinos have settled in North Sulawesi. Often they are married to locals and are part of the local community, but lack legal papers. Many Filipinos in Indonesia's North Sulawesi, for instance, do not have an Indonesian ID card. Hence, when they are found by PSDKP officials, they run the risk of being arrested and deported. PSDKP officials admitted that it can be difficult to determine where a person is actually from. They said that they sometimes instruct people whom they suspect to be from the Philippines to draw the number '8'. They believe that Filipino schools teach people to start drawing the 8 at the top, while people who were educated in Indonesia start drawing the 8 in the middle.[20]

According to interviewees, though, most of the time they cross the border easily, which is fortunate as some have extensive family ties in both countries. A Filipino fisherman explained to me in April 2018 (see Figure 5.5):

> We often cross the border between the Philippines and Indonesia. There are no checks and no passports are needed. From Manado, we take a regular passenger boat to Tahuna. That takes about six hours. From Tahuna, we take a small fishing boat to Kawalusu island, and from there we continue the journey to Marore island. If the weather is good, that takes about one day. From Marore, we take another small boat to Balut island, which is already in the Philippines. From there, it is another half day journey to General Santos.'[21]

By air
Several interviewees pointed out that most migrant workers leave the country by plane, whether they have the necessary documents or not. Recruiters try to convince people, including minors, to work abroad. The prospective migrant workers pay US$500–700 to the recruiter, who then takes care of the formalities, including their travel documents. The interviewees said that the recruiters could easily obtain passports for people without birth certificates, and could change people's names if they had been deported before in another country. The officially issued passport then allows the migrant workers to take a regular plane to work abroad.[22]

SMUGGLING AND ARMED CONFLICT

Smuggling and Insurgents

As the smuggling economy is fairly formalised, yet organised in a decentralised manner, consisting of various small traders and boatmen, non-state armed groups do not play any substantial role in this economy, neither with regard to licit nor illicit goods. As in the other borderlands discussed, official accounts often assume that non-state armed groups in the region are key actors in the smuggling economy. As part of the US Drug Enforcement Administration's (DEA) attempt to link 'terrorism' and 'drug trafficking' after 9/11 in order to assert the agency's significance, Assistant Administrator for Intelligence of the DEA Steven W. Casteel told the Senate Committee on the Judiciary in a statement on 'Narco-Terrorism' in 2003 that the DEA had information implicating the MNLF and MILF in drug trafficking activities (Casteel, 2010, p.150). This view has remained dominant and has been reflected in a number of reports.

Cagoco-Guiam and Schoofs (2016), who reviewed the reports and evidence, and conducted their own research on the issue, found that 'drug production and trafficking occurs in areas controlled by the MILF' (p.137). However, they found no evidence that the MILF was supporting or benefitting from these activities (ibid.). Evidence implicating the Communist NPA in the drug trade is limited to the finding that they impose their 'revolutionary tax' on local marijuana plantations (ibid., p.136). In 2016, the NPA as well as the MNLF/MILF agreed to join the government's campaign against drugs (*Philippine Star*, 2016). Cagoco-Guiam and Schoofs conclude that it is not the armed groups but the armed conflict, the weak rule of law, and the geography of the region that created the conditions for the drug economy in Mindanao (2016, p.138).

More plausibly, Casteel accused ASG of involvement 'in a variety of criminal enterprises, including kidnappings, drug and arms smuggling, extortion, and virtually any other criminal activity that is profitable' (2010, p.150). And, indeed, particularly the ASG's active role in conducting kidnappings for ransom has been well-documented (see e.g. Gutierrez, 2016, pp.179–84). Even supporters of other non-state armed groups in the Philippines described the ASG as 'purely criminal'. However, evidence of drug trafficking involvement is thin. While there

are some reports of members of the ASG being involved, data, particularly from the more recent years, is limited (see Cagoco-Guiam and Schoofs, 2016, pp.137–8). It appears though as if this was not the result of the group's ideology. The ASG's small size and limited networks beyond Sulu give them little capacity for smuggling. Law enforcement's strong focus on the group, due to their high presence in international media, make the group an unattractive business partner for organisations that dominate the drug trade.

Looking beyond the Philippines and considering non-state armed groups in Indonesia and the region, such as JI and JAD, there is no evidence they are involved in drug trafficking either. However, in contrast to the groups in the Philippines, they do play a role in the business of smuggling weapons, much like ARSA in Myanmar. The Indonesian groups depend on weapons smuggled in from the Philippines. Nonetheless, there is no particular evidence they are more than customers for this trade.

Again, much like the ARSA members who essentially smuggle themselves between Myanmar and Bangladesh, non-state armed groups in the region also travel illegally, in their case often for training. The Philippines have replaced Syria and Iraq as the main destinations for extremists from Indonesia and Malaysia to gain military training that could be used in attacks at home, reflecting geographic proximity, lower travel costs, and the decreasing territorial control of the IS in the Middle East. In addition, the connections between armed groups in Indonesia and the Philippines facilitate such crossings (Abas, 2005).[23] For instance, JI used to have a training camp in the Philippines called Hudaibiyah, adjacent to other camps belonging to a local non-state armed group. Some Indonesians have also been trained in the MILF training camps, including Jabal Quba in the early 2000s.

An additional factor in the self-smuggling of insurgents is that a number of Indonesians have gone to the Philippines to support fellow Muslims in their fight for Bangsamoro, some of them joining more extremist factions like the Maute Group. In 2017, IPAC (2017b, p.4) reported on a telegram appeal the Maute Group sent from Marawi that read:

> If you find it difficult to go to Sham (greater Syria) because of cost and security concerns, why not try the Philippines? Truly, our brothers in the Philippines are awaiting your arrival, why are you so slow in answering their call? Does it make sense that we have a neighbour being attacked by a swarm of criminals, but we aim for a further neighbour rather than one closer by? We give more importance to the further neighbour and make the close one lower priority.

Such calls turned out to be effective, as some Indonesians were found fighting alongside the Maute Group in Marawi.[24]

However, migrants who cross looking for work are far more numerous than insurgents. Likewise, since they do not seek formal employment, their crossing itself is only illegal if insurgents do not have a passport, have overstayed their visa (for instance, after going underground in another country), are wanted by authorities or are suspected of supporting an extremist network. For instance, police arrested an Indonesian named Nurhadi in late November 2017 at an airport on Borneo island (Kholid, 2017; Santoso, 2017). Although his flight to Malaysia was legal under the ASEAN Framework, police alleged he had plans to continue to Marawi to join the IS (Kholid, 2017; Santoso, 2017).

The western route, which passes through Malaysia's Sabah, is the pre-ferred option for members of armed groups to cross from Indonesia to the Philippines. An interviewee explained that the small islands spanning the sea between Malaysia and the Philippines make it easier to hide, as one can stop at one of the islands about every 45 minutes.[25] The eastern route, through North Sulawesi, does not offer such comforts. But the routes are subject to change, depending on how tight the border security is. While tightened security might reduce the amount of smuggling happening, it is more likely to affect the routes taken, if necessary shifting the smuggling of people, including that of members of armed groups, from the west to the east.

Key destinations in the Philippines for insurgents from Indonesia are Zamboanga and General Santos. There are both legal and illegal ways to get there. An official ferry connects Sandakan in Malaysia with Zamboanga (see Figure 5.3). Meanwhile, people, including insur-gents, are smuggled from Semporna or Lahad Datu in Malaysia to the Philippines (Hanifan, 2017). The boat usually leaves Semporna at night and takes people to Sitangkai island in the Philippines, which is 85km away.[26] The journey then continues to Tawi-tawi island (ibid.). From Tawi-tawi, IS-linked insurgents then continued their journey to Jolo and Basilan before reaching Marawi.[27]

Non-state armed groups use a range of tools to facilitate passage. Nasir Abas, one of the founders of and trainer at JI's Hudaibiyah camp, said that the group was able to send people even when security was tight after an ASG kidnapping of tourists from Sipadan and Ligitan in 2000 that made international news.[28] According to Abas, some JI members mastered the languages and taught each other the basics for conversation. In addition, they gave gifts to the locals to win their support. For instance,

he took things from Indonesia, such as clove cigarettes to the Sangirs in Mindanao. For Indonesians, he took Coca Cola from the Philippines. Locals then were willing to tell them about patrol times and to describe them as visiting relatives to agents. As Abas put it: 'We know the captain and the captain can say you are his relatives.'[29] More than a decade later it seemed that fighters from newer organisations (such as Jemaah Ansharut Daulah in Indonesia and Ansarul Khilafah in the Philippines) were using similar routes and tricks. Nonetheless, their overall numbers make them a fairly trivial actor in the smuggling economy.

Smuggling and the State

I found less visible evidence for corruption and state involvement in the smuggling business in the borderlands connecting Indonesia, Malaysia and the Philippines than I had in, for instance, Southern Thailand. Some selected smuggling activities, such as that of weapons for non-state armed groups from the Philippines to Indonesia, happen without involvement or even passive toleration of state authorities and without corruption. Instead, it seems more likely that the armed groups are successfully avoiding detection by state authorities. Nonetheless, corruption of state authorities plays an important role for the smuggling of goods and people in the region. The large-scale smuggling operations of licit goods, such as rice, depend on the tolerance of police and customs officers. Villanueva maintains that state authorities 'play a critical role in the value chain of this informal economy' (2016, p.265).

At the Malaysian–Philippine border, Malaysian state authorities appear not to be sanctioning, and in many cases are also not charging 'fees' for, the irregular export of consumption goods to the Philippines, even if it happens on a large scale. Reportedly, Malaysian state authorities tolerate and even encourage such activities for both economic and political reasons (Villanueva, 2016, p.266). In the Philippines, however, authorities try to stop the large-scale smuggling of products like rice into the country. The Philippines Coast Guard routinely informs the public about the detection of smuggled goods such as sugar or rice. For instance, they declared they had discovered 5,000 sacks of smuggled sugar worth US$200,000 in Tawi-tawi in August 2018 (Lacastesantos, 2018).

However, in the Philippines, smugglers can also protect themselves through 'special arrangements' with the state authorities, including the coast guard, customs and the navy. Villanueva (2016, p.266) describes how under such arrangements, smugglers have to pay an 'extra fee' but

are de facto exempted from all regular custom duties and fees. The 'extra fee' is carefully calculated on the amount of sacks, cartons or containers. For example, PHP 20 (*c.* US$0.40) are charged per 25kg sack of rice. Following this arrangement, smugglers are not allowed to use the formal, ordinary ports but have to dock at irregular ones.

Similarly, close by, at the Indonesia–Malaysia border in the west, at Nunukan, Indonesian state authorities appear to tolerate most of the smuggling activities. Interviewees explained that the police station in close proximity to one of the irregular harbours only operated during day time, ignoring smuggling activities at night.[30] The use of quiet engines gives smugglers extra assurance. However, state authorities on both sides of the border also make deals that allow the smuggling of goods and people during the day. An interviewee said: 'The boatmen have deals with the Malaysian police. People who go to Malaysia legally [but work there without the required documents] often go back to Indonesia illegally after their visa has expired.'[31] Another interviewee confirmed: 'the police [are] involved. There are a lot of goods coming from Malaysia, such as gas, and there are many people going to Malaysia.'[32] In contrast to the 'fee-per-sack' payment system in the Philippines, here often monthly fees are paid, similar to those at the Thailand–Malaysia border. An inter-viewee explained: 'For the smuggling of goods they have monthly deals with the police that allow them to take large amounts.'[33]

State authorities also play a role in the drug trafficking business. The region is known for severely punishing the trafficking and often even the consumption of drugs. Both Malaysia and Indonesia impose capital pun-ishment for drug trafficking, although Malaysia suspended executions in 2018. President Duterte announced the beginning of a 'war on drugs' in the Philippines in 2016 upon taking office in Manila, encouraging police officers to shoot and kill suspected drug users. More than 5,000 people were killed in the course of anti-drug operations in the Philippines between July 2016 and April 2019 (e.g. *The Guardian*, 2019). However, for instance, a study conducted by International Alert indicates that in Bangsamoro state actors play an important role in the drug smuggling economy. It describes 'narco-politicians' that 'actively undermin[e] and abus[e] the fragility of local governance institutions' in ways that foster the drug trade (2014, p.3).

To organise the smuggling of large amounts of drugs, criminal net-works often rely on state-controlled infrastructure such as big ports and airports, avoiding remote borderlands that lack such infrastructure. From a smuggler's point of view, it is considerably easier to operate through

such trade hubs, where large amounts of drugs can be offloaded and distributed quickly. It also lowers the risk of detection and, ultimately, it decreases the cost as fewer authorities have to be involved. However, it requires good links to powerful state authorities that will look the other way. Cases of such tolerance have repeatedly made the news in the Philippines. For instance, the military colonel Allen Capuyan was accused of arranging for passage of a PHP 6.4 billion (US$125 million) shipment of shabu through Manila International Airport without inspection in 2017 (Avendaño, 2019). Far from holding his involvement against him, Duterte's administration appointed him to lead the government's peace talks with the NPA in 2019.[34]

Other types of smuggling also occur at major trade hubs. Even if organised criminal groups are in charge of the smuggling activities, the involvement of state officials is likely. For instance, corruption ensures that people can receive passports to work abroad, even if they do not have the required documents, or if they have previously been deported. This way they can simply take the plane and do not have to make their way through the borderlands.

CONCLUSIONS

Due to its maritime character the border region of Malaysia, Indonesia and the Philippines is in many ways different from the borderlands explored in the previous chapters. Smuggling across water appears to be a lot easier than on land as boats can take many different routes to get to the neighbouring country. But boats, particularly in the case of large-scale smuggling, need infrastructure on land such as ports or harbours that can be patrolled quite easily. Hence, there also are surprisingly many similarities to land borders.

As in the borderlands described in earlier chapters, people and goods are smuggled across the borders of Malaysia, Indonesia and the Philippines on a considerable scale, often enabled by corruption of state authorities. The smuggling of daily consumption goods, particularly rice, is mainly conducted by local traders. In fact, the drawing of national borders through their traditional trade routes turned business that existed for centuries into smuggling. The prevalence of illegal fishing reflects this dynamic. However, some of the smugglers may also transport a small number of weapons when offered a good price. Attempted crack-downs by state authorities tend to simply shift the smuggling routes. Meanwhile, more organised criminal groups are responsible for the smuggling of

most of the drugs, likely facilitated by state authorities at times. People smuggling, particularly that of migrant workers from Indonesia to Malaysia, is organised by private enterprises and networks similar to the ones in the other case studies researched. Migrants may even be willing to pay fees for being smuggled that exceed the fees for a legal process, if it is less complicated and considerably faster.

The ongoing conflicts in the region and the smuggling economy are connected in multiple ways. Most importantly, conflict increases the demand for smuggling. For instance, some of the people who are displaced by the conflict in Mindanao try to get to Malaysia to work there. That increases the demand for people smugglers. Conflict also increases the demand for smuggled goods as it disrupts the formal economy. Further, conflict and weak rule of law in Mindanao make it easier to produce and smuggle drugs. Nonetheless, in line with the respondent who said there would need to be a fence in the sea to stop it, it is safe to assume that smuggling in the region would continue without conflict. For example, most of the Indonesians who work on the palm oil plantations in Malaysia are not doing so because of conflict. Likewise, conflict does not drive the illegal fishing and the rice smuggling.

Considering more direct links between conflict and smuggling, similar to our findings in the previous chapters, the non-state armed groups in the region play a limited role in the smuggling economy, both in terms of licit and illicit goods. In the Philippines, non-state armed groups like the MNLF/MILF and NPA have territorial control and are keen to maintain and expand their local legitimacy, making them legitimacy-seeking rulers. This is particularly crucial for the MILF leadership that, as part of the new government of Bangsamoro, will be funded through taxes and will have to justify them. Similarly, the NPA is funded through taxes. And even though the NPA has probably benefitted from also taxing marijuana plantations at times there is little evidence supporting the idea that groups like the NPA or the MNLF/MILF are directly involved in the production or smuggling of drugs. Both the MNLF/MILF and the NPA even offered to join the government's campaign against drugs. This illustrates the extent of their concern that drugs may undermine their local legitimacy.

Some groups may to some extent be benefitting from the smuggling economy more directly. The Abu Sayyaf Group in particular is involved in a rage of criminal activities, including kidnapping. As it does not control territory and does not have an interest in the construction of local legitimacy, it can be described as a legitimacy-indifferent rebel, only

driven by economic incentives. However, due to its apparent focus on generating income and its lack of political motives it can also simply be seen as a criminal group. Nonetheless, its lack of territorial control makes the ASG a fairly unattractive business partner for drug smugglers.

Finally, there are those groups that are assumed to be affiliated with international terrorist networks, most prominently in Indonesia, such as JAD and JI. They neither control territory nor do they aim at building local legitimacy. Instead they aim at creating instability through attacks. However, in contrast to all other groups, being linked to international networks they also rely less on local funding. Instead, they can use external funding provided by networks such as the IS to support their activities. Being small in size and having a reduced economic incentive to generate revenue, their involvement in the smuggling economy is limited to those activities that are necessary for their operations: the smuggling of guns and the smuggling of their own fighters across borders, for instance, for training.

In contrast to non-state armed groups, state actors play a considerably more important role in the region's smuggling economy – across all of its sectors. In some cases, state actors simply tolerate the smuggling, but often they also benefit from 'extra fees'. Even the large-scale smuggling of drugs through ports and airports is assumed to be facilitated by officials. Major international trade hubs, such as Manila, are likely to play a more important role for the smuggling of goods and people than remote, rural borderlands. This is in line with the findings from Southern Thailand, where drugs were smuggled to Malaysia from well-connected urban areas instead of disconnected, rural areas. While some smuggling happens in rural and insurgency-controlled areas, smuggling large quantities of any commodity requires good infrastructure. Hence, smuggling is more likely to occur in major ports and urban areas with streets and railways, which enable easier distribution of smuggled goods and people. Being able to draw on the support of state officials makes business much easier for smugglers.

NOTES

1. See Economist (2013).
2. See Rood (2012) for an analysis of the incentives that shape autonomy in Mindanao and limit the ability to address the grievances that drive the conflict.
3. They signed the Framework Agreement on the Bangsamoro (FAB) in 2012 and the Comprehensive Agreement on the Bangsamoro (CAB) in 2014.

4. National Conference on BBL and Federalism, 7 June 2018, Makati City.
5. Interview, 5 June 2018, Cotabato City.
6. The Bangsamoro Transition Authority will be responsible for creating the foundation of BARMM until the first elections in 2022. Key issues that need to be decided on are education, administration and the rights of indigenous people.
7. See Jones (2018) for a detailed analysis of radicalisation in the context of Marawi and the Islamic State in the Philippines.
8. Interview, 5 June 2018.
9. For example, some former JI members formed the 'East Indonesia Mujahideen' (in bahasa Indonesia, Mujahidin Indonesia Timur, MIT); however, after several military operations only a small number of fighters are left, hiding around Poso in Central Sulawesi.
10. Darul Islam (DI) was a movement led by Kartosoewirjo. In 1949, he proclaimed the Islamic State of Indonesia (Negara Islam Indonesia, NII) and was subsequently arrested and executed. But the idea has served as an inspiration for Islamist communities until today. Most Islamist groups in Indonesia, non-violent and violent ones, including JI, can be seen as DI off-shoots (see Alamsyah and Hadiz, 2016).
11. For a detailed analysis of the violence and the smuggling economy in Tawi-tawi see Quitoriano (forthcoming).
12. The district of Sangihe and Talaud consists of 124 major and minor islands spread across three main islands, the Talaud, Big Sangihe or Sangir, and Siau Tagulandang.
13. Interview, 15 April 2018.
14. Visit, 11–13 April 2018.
15. Phone interview, November 2017.
16. The weapons found were a .45 calibre Colt handgun, two bullet clips and twelve rounds of 45mm ammunition in Tabukan sub-district. Residents handed over a US revolver and four rounds of ammunition in East Melonguane Sub-District in August 2017. On 3 September, the intelligence services confiscated a Philippines-made revolver and 36 3.8mm calibre rounds in Nusa Tabukan, and a US-made gun on Marore island. It is not clear what happened to the people who possessed the weapons (*Manado Post*, 2017).
17. Interviews, 14 April 2018.
18. Interviews, 14 April 2018.
19. Interview, April 2018 (date anonymised).
20. Ibid.
21. Interview with fisherman, Bitung, 10 April 2018.
22. Interview, Cotabato, 5 June 2018.
23. According to Abas, a former commander of JI, the ties between Jemaah Islamiyah and the Islamic Moro fighters can be traced back to around 1985, when people from both groups went to the Afghanistan Mujahiddin Military Academy in Sadda, Pakistan, and were continued by involvement in insurgencies in Afghanistan (Abas, 2005, pp. 141–2; see also Banloi, 2007, pp.194–222).

24. One of the Maute brothers, Omarkhayam, is married to an Indonesian.
25. Phone interview, November 2017.
26. During the Marawi battle, IS-linked militants preferred Lahad Datu as a crossing point.
27. In the past, militants often gathered in Basilan before going to Zamboanga, and then continued to Marawi via land in a nine-hour-long trip. However, when the battle in Marawi erupted, the authorities tightened security in Zamboanga. All bus and car passengers were asked to step out of the vehicles, to walk through a security post and to show their ID cards. A marine officer told Hanifan (2017) that as a consequence the militants simply shifted the route from Zamboanga to Malabang, a small town 73km south of Marawi. Malabang is an important node to go to small towns near Marawi where lakes make it possible to get to Marawi by boat.
28. Phone interview, November 2017.
29. Phone interview, November 2017.
30. Interview, 14 April 2018.
31. Interview, 14 April 2019.
32. Interview, 15 April 2018.
33. Interview, 14 April 2019. Likewise, Quitoriano concludes that 'the economic benefits that state actors generate from a shadow economy' have made it impossible to stem the spread of illicit guns in Mindanao (2016, p.110).
34. Meanwhile, the president's son, former Vice Major of Davao Paolo Duterte, was accused along with the president's son-in-law, Manases Carpio, of facilitating the smuggling of 602kg of shabu from China into the port of Manila in 2017 (*Reuters*, 2017b).

6. Conclusions

I asked the smuggler in Southern Thailand from the opening of this book who had matter-of-factly shown me where the drugs cross, why that spot was right next to an army checkpoint. His facial expression told me that I had asked a stupid question. I had imagined people with backpacks hiking across mountain ranges. He explained: 'The drugs arrive here by train. Why should we bring them somewhere else first before taking them to Malaysia?'

A CONFLICT–CRIME DISCONNECT?

In many borderlands of Southeast Asia smuggling is a key economic activity, which exists regardless and independently of armed conflict. In many cases 'smuggling' is the normal way of doing business across borders, which were often drawn by colonial powers through closely connected communities. Most smuggling is cross-border trade of licit daily consumption goods that is not conducted via official border crossings. Everything is 'smuggled', from cooking oil to clothes. And it is also people who 'smuggle' themselves, by not using the official border crossings, many who simply want to visit family across the border, who want to go shopping or who work in the neighbouring country during the day. While smuggling in some cases provides cost savings in customs fees, time savings may be more significant if the next border crossing is far away.

Just as in the formal economy and with normal trade relations, the smuggling business is organised to varying extents. This book has described smugglers who work under different types of organization. Some smugglers are individual business people, such as those transporting daily consumption goods in Southern Thailand. In the context of the smuggling of people, some smugglers often appear to be operating as part of cross-border networks, sometimes bridging just one border, such as Indonesia and Malaysia or Myanmar and China, and in other cases reaching across countries, from Myanmar to Bangladesh, Thailand and Malaysia. In contrast to the 'tough' policies on immigration at the EU

and US borders, such policies appear to be weaker or less enforced in Southeast Asia, resulting in a less organized and monopolized people smuggling economy with room for smaller-scale smugglers. Meanwhile, in response to the tough policies on drugs in Southeast Asia, the smuggling of drugs appears to be very organised, as, for instance, the case of the Myanmar–Bangladesh border illustrates.

Contrary to my vision of people with backpacks in remote and difficult terrain, the case studies show that most smuggling does not appear to be happening in remote areas. Instead, smugglers prefer routes and border crossings that offer good infrastructure. Inland connectivity via road or railway is key as the market for goods and labour typically is not immediately at the border. Hence, major hubs for legal trade such as ports are also important centres for smuggling operations, as the case of Manila in the Philippines illustrates.

Following the same economic rationale, smugglers and smuggling networks that transport goods or people across longer distances try to avoid conflict zones. Conflict zones are challenging to navigate. In such areas smugglers may need to cross through territories controlled or influenced by competing actors, they may need to deal with ongoing fighting, and they may have to work around an increased presence of security forces and checkpoints. For example, as we saw at the Thailand–Malaysia border, the western area with less conflict is the main avenue for the smuggling of migrants. Fewer checkpoints, less insecurity, and a single authority, the state, being in control of the entire territory offers predictability and efficiency.

Even though conflict zones are not popular transit routes for smugglers, they tend to be the origin of many illicit goods, particularly drugs. For instance, Afghanistan produces opium and Myanmar makes meth. However, the areas where illicit goods are produced within such conflict-torn countries are not necessarily the areas of heavy fighting. Like smuggling activities, drug production is much easier in an environment of stable governance. Just like any other business, producing drugs is difficult in the midst of fighting or in an area that is often shelled. The case of yaba production we looked at in Myanmar's Shan State illustrates that the drug is not produced in a conflict area, but in an area that is more stable and controlled by a pro-government militia.

Overall, smuggling is best understood like any other economic activity, consisting of entrepreneurs and businesses, who want to make a profit. As in a legal economy, geography and the practices of authorities (the extent to which they tolerate, tax, or interfere) shape the smuggling

economy. The smuggling economy does not always lie in the shadows. In fact, for many people, smuggling is part of the normal economy.

THE CONFLICT–CRIME NEXUS

Nonetheless, the different borderlands we have looked at also illustrate a number of links between armed conflict and the smuggling economy. Most strikingly, armed conflict can increase the demand for smugglers to smuggle both goods and people.

Conflict drives people away. It often results in displacement of people who then decide to leave the country. While most people are usually displaced internally and move to relatives, friends or camps in their own country, others, particularly those living close to international borders, hope to be able to escape from the violence by crossing the border. The most prominent example is the large number of Rohingya refugees from Myanmar in Bangladesh. This episode of violence created an ad hoc demand for fishermen to become 'smugglers', providing them with the opportunity to pick up extra money by bringing Rohingya from Myanmar to Bangladesh.

However, often conflict works less directly, resulting in a stagnating economy with low wages and high unemployment. This creates financial incentives for people to work in a neighbouring country. This in turn generates demand for smugglers, people with good links on both sides of the border, who can not only help them cross the border but, more essentially, find a job abroad. This can, for instance, be seen in Myanmar's Kachin State. Because of the high unemployment rate and low salaries, in which the conflict plays a role, many (particularly young) people, hope to find better paid jobs in China – to do so many rely on brokers. Employers in China, mainly factory owners, pay the monthly salaries to the brokers, who keep a share and pass on the rest to the migrant workers.

Armed conflict makes people more vulnerable and puts them at a higher risk of becoming victims of hazardous crimes. Both direct destruction and displacement, and the more indirect impact of violent conflict on the economic situation and employment opportunities, push people towards more desperate ways of generating an income or improving their situation. In consequence, people are more likely to fall into the hands of human traffickers. This can again be seen in northern Myanmar. China's substantial gender imbalance has created a demand for foreign women. Women in Myanmar, who are promised jobs in China by brokers, have become the victim of trafficking schemes that satisfy this demand through forced

marriage or sexual slavery. Particularly affected are those who have left conflict areas and who now live in camps, where the promise of a job can lure the desperate. Trafficking of Rohingya refugees also takes place in Bangladesh's Coxs Bazar. In addition, here the victims of conflict face another form of exploitation that links to smuggling. Criminal groups often use Rohingya to do dangerous smuggling work for little payment.

While conflict tends to drive people away, it increases the demand for smuggled goods, particularly for daily consumption goods, which become hard to produce locally and difficult to import from other areas or countries. Similarly, displacement of people to neighbouring countries can increase the demand for goods if they cannot be legally imported. For instance, Rohingya refugees who fled to Bangladesh increased demand for daily consumption goods from Myanmar, such as instant coffee.

Conflict also creates demand for illicit goods, particularly weapons. As we saw in the Philippines, some boatmen make additional money by transporting weapons from the Philippines to Indonesia every now and then. Conflict zones can be both the origin and the destination of weapons. For example, in Southern Thailand weapons are easily available and were smuggled via Malaysia to supply armed groups during the conflict in Indonesia's Aceh province.

Looking beyond smuggling reveals further dimensions of the conflict–crime nexus. In some cases, conflict and crime appear to blur as armed conflict can contribute to an environment that is conducive to non-political violence. In the context of ongoing violence, it is not always clear (and often difficult to establish) who is responsible. This allows criminal actors to conceal their activities. For instance, if a police officer or even a civilian is shot, in most cases the state will blame non-state armed groups, even if the killing is unrelated to the political conflict. Likewise, state actors, domestic and foreign, link the drug trade to non-state armed groups with thin evidence.

THE ROLE OF NON-STATE ARMED GROUPS

The book set out to explore what role non-state armed groups play in the smuggling economy. Overall, across the conflict zones and borderlands I looked at in Southeast Asia, this role is fairly restrained. The typology proposed in the Introduction helped us to categorise groups and explain their behaviour. The book shows that armed groups need funds but that most of them also are legitimacy-seeking. In addition, many armed

groups are rebels without territorial control, not rulers. Both factors limit their involvement in the smuggling economy.

Many groups that we can categorise as *rebels* (i.e. do not control territory), such as ARSA in Myanmar and the BRN in Thailand, are in a difficult position to get involved in the smuggling economy. Operating underground and having to avoid detection by state authorities, they are not attractive partners for smugglers and cannot smuggle very much themselves. These groups mainly smuggle what they need to be able to continue their operations, such as, most importantly, weapons. Indeed, ARSA members got caught attempting to buy weapons in Bangladesh and smuggle them across the border to Myanmar.

In addition, non-state armed groups also have to smuggle their own fighters at times. In many cases such smuggling is the convenience-seeking behaviour of crossing at the nearest spot because it is closer than the nearest official border crossing. After all, people can legally cross into a neighbouring country for a limited number of days at many borders in Southeast Asia. However, members of armed groups also use irregular border crossings to avoid prosecution, seeking safe haven in a neighbour-ing country. Some members of the BRN in Thailand crossed the border into Malaysia to hide from Thai security forces. And in the case of the maritime border region between Indonesia, Malaysia and the Philippines, non-state armed groups use traditional maritime trade routes of local people to smuggle their members across the ocean for training and to fight. But at every border I studied, the smuggling of insurgents repre-sented a small subset of the smuggling activity.

Armed groups that do control territory and can be categorised as *rulers*, such as the KIO/A in Myanmar or the MILF in the Philippines, are in the best position among non-state armed groups to play a significant role in the smuggling economy. Despite having the opportunity to generate revenue this way, such groups often have to limit their involvement in the smuggling economy, at least with regard to illicit goods, when they are *legitimacy-seeking*. In order to build substantive legitimacy, they have to ensure that their activities are not perceived as harmful locally. This can be seen in Myanmar's Kachin State, where drug addiction rates are high. Being associated with the production or smuggling of drugs could have damaging effects for the KIO/A, which instead emphasises its drug rehabilitation programme.

Hence, armed groups that control territory tend to focus on economic activities that the local population does not consider harmful. In the case of the KIO/A, this is particularly the taxation of jade that is extracted

and exported to generate revenue and the import of weapons to fight for the popular cause of Kachin independence. Such activities are often considered to be smuggling, not trade, because the KIO/A lacks *de jure* recognition as a state, despite its *de facto* statehood.

For the most part though, instead of being directly involved in the smuggling economy, non-state armed groups that control territory tax economic activities, just like normal states. Therefore, in some cases, they also benefit indirectly from cross-border trade or 'smuggling'. However, for non-state armed groups that operate underground, enforcing taxation is more difficult. Hence, for instance, the BRN in Southern Thailand collects membership fees from its supporters. By contrast, ARSA in Myanmar appears to be relying almost fully on external funding, which reduces the group's dependency on local legitimacy.

The lack of recognition of non-state armed groups that control territory as states results in another form of activity that could be described as people smuggling. Like states, some armed groups build international relations with neighbouring countries. This includes the issuing of documents, which enable people to cross the border into neighbouring countries. Again this can be seen in Kachin State, where the KIO/A issues border passes in the area it controls at the Chinese border, which people can use to legally cross the border into China as they are accepted by the officials there.

However, there are *legitimacy-indifferent* groups that are not concerned about local support and are driven more or less exclusively by economic interests. Such groups face no political barriers to being involved in the smuggling economy. *Rebels* like the ASG in the Philippines may be involved in all types of criminal activities including smuggling of illicit goods. However, their lack of influence and their need to avoid detection by state authorities restrains them. *Rulers* that control territory but are indifferent to legitimacy thus have the fewest constraints in their involvement with smuggling. However, my research did not detect non-state armed groups in this category. Only the pro-state militias in Myanmar have the influence to support smuggling and the indifference to legitimacy that makes it worthwhile.

THE ROLE OF STATE ACTORS

State actors turned out to play a considerably more important role in the smuggling economy than non-state actors. This finding challenges the common narrow focus on non-state armed groups as drivers of crime.

However, the finding is surprising in many ways. In contrast to non-state armed groups, states have no obvious economic incentive to be involved in smuggling. States typically generate their revenue through taxes on economic activities while trying to stop smuggling activities that reduce their tax revenue. After all, smuggling is defined in opposition to the state, as those economic activities that are unauthorized by it. Furthermore, states have the power to legalize illicit goods, turning smuggling into trade. A legal market would evolve with economic activities that a state can tax while reducing the incentive to smuggle that good.

Further research that looks at the perspective of state actors in more detail is necessary to gain a better understanding of what drives the role of state authorities in the smuggling economy. Nonetheless, the conceptual framework and the factors of economic incentives, territorial control and legitimacy offer some insights. The three factors may apply to different extents in different contexts and may easily overlap.

Just as in the case of non-state armed groups, the main driver of the involvement of state authorities in the smuggling economy is to make money. However, as states have a limited incentive to generate funds through smuggling as an organisation its role is often best described as corruption. That is, purely economic motives drive individuals or groups of state actors to tolerate or support smuggling. While corruption is common across the world, when it happens on a large scale, as in many of the cases this book has considered, it suggests states are either not capable of preventing it, want to protect those involved or are simply not concerned about this issue enough to take steps to halt it.

In contrast to non-state armed groups, states always control some territory. Borders, border crossings and trade hubs such as ports are at the heart of state authority and tend to be particularly well controlled. As smugglers try to avoid conflict zones and prefer to operate in territories where only one authority is in charge they are active in state-controlled areas most of the time. But states may also tolerate or even enable smuggling in order to expand their territorial control. For instance, states may decide to allow factions to act with impunity, including in the smuggling economy, as part of deal making: to win them over politically and to be able to control territory without having to provide resources to maintain that control. This is why pro-state militias, such as the ones I encountered in Myanmar, are heavily involved in the smuggling economy. Controlling territory and drawing on external legitimacy and support provided by government, as *legitimacy-indifferent rulers* they are driven exclusively by economic considerations and pay little attention to how

the local population perceives them. Meanwhile, this enables the state to control territory at little cost without having to deploy its own forces.

Finally, legitimacy also matters in explaining the role of state actors in the smuggling economy. Tolerating the smuggling of licit daily consumption goods can ultimately support state goals. Customs duties on such goods are typically low and offer limited revenues to the state. People in conflict zones often view the state as oppressive or colonising. Allowing people to obtain necessities more easily instead of creating barriers to local-level cross-border trade can increase the state's instrumental legitimacy. However, in contrast to non-state armed groups, states often do not require broad-based support of minorities in conflict-ridden borderlands. Instead, they can draw on the legitimacy and support from the centre and large parts of the population elsewhere in the country. This enables them to act in a more extractive and less accountable way in borderlands populated by minorities as, for instance, the treatment of the Rohingya in Myanmar illustrates.

Nonetheless, state involvement in the smuggling of illicit goods raises legitimacy concerns on the international stage. Even though certain drugs, primarily marijuana, are increasingly being legalized in countries across the world, legalizing the production and export of drugs such as meth and opium is likely to face international resistance and has the potential to result in international isolation and decreasing aid budgets. Hence, it is easier for states to describe these activities as criminal and possibly to even blame non-state armed groups while benefitting nonetheless from the revenues that such activities generate. Such strategic involvement in the smuggling economy could also be termed systemic corruption. It assumes that the revenue that is generated reaches the central level of the state, which is therefore willing to support such a risky strategy.

Conflict zones make it easier to hide both institutional involvement of states in the smuggling economy and corruption within the state apparatus. Conflict enables state authorities to justify a heavy presence of security forces. Meanwhile, state authorities can conceal activities and blame criminals or political opponents for the smuggling operations as well as violence. In conflict zones it is difficult to conduct investigations. And even if everyone in a conflict zone knows who is supporting smuggling and who is not, media reporting from conflict zones is limited. This ensures limited accountability of state authorities, enhancing their ability to get involved in the smuggling economy.

THE CONFLICT–CRIME COMPLEX

I have defined smuggling in opposition to the state, as unauthorized cross-border economic activities. However, evidence suggests that state authorities often tolerate or even facilitate smuggling. Meanwhile, non-state armed groups play a more limited role, lacking territorial control and being more concerned with local legitimacy.

Conflict and crime are often lumped together, as are non-state armed groups and criminal groups. And, indeed, conflict and crime are often the same. Armed conflicts often result in unimaginable crimes against the civilian population, as the case of the Rohingya in Myanmar shows. It can be difficult to distinguish non-state armed groups from criminal groups, as with the ASG in the Philippines. But the spectrum of non-state armed groups I observed is much wider than official rhetoric often suggests, and any entity battling the state may eschew many forms of criminality because it seeks legitimacy.

Criminals and non-state armed groups do share a key characteristic though. Both, by definition, are 'non-state' actors. Regardless of their political motives, many cross-border economic activities of non-state armed groups are simply considered to be smuggling and not trade, because they do not have the status of states and because the states in question have no interest in authorizing their activities. To the contrary, states want to criminalise the activities of non-state armed groups. Quite possibly this legal issue lies at the heart of the conflict–crime nexus and created the foundation for the many myths surrounding it.

It would be wrong to romanticise non-state armed groups. Their desire for legitimacy may be more urgent than that of state actors, but this does not always create better behaviour. After all, many non-state armed groups are also responsible for violence against civilians. Furthermore, the book shows that the more state-like non-state armed groups become, the more power they have, the more they also act like states, including with regard to their role in the smuggling economy. However, it would also be wrong to conclude that non-state armed groups are necessarily more criminal than states. The common view on non-state armed groups as the 'source of all evil', which is particularly reflected in the post-9/11 discourse on terrorism, has resulted in a blind spot: the crimes committed by state authorities.

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Index

Abas, Nasir (JI) 122–3
Abu Sayyaf Group (ASG) 18, 102,
        109, 138
    drug trafficking 120–121
    kidnappings 108, 113, 120, 122
    and legitimacy 126–7, 135
Abuza, Zachary 109
Afghanistan 8, 9, 43, 53, 78, 110, 131
Allchin, Joseph 78, 94
Al Qaeda 26, 77, 108, 110
Amnesty International 80, 95
Andersson, Ruben 6–7
Andreas, Peter 3, 4
animal smuggling 3, 53, 60
Arakan Army (AA) 46
    links to ARSA 87
    links to KIA 80
    and smuggling 94, 99
Arakan Rohingya Islamic Front
        (ARIF) 77
Arakan Rohingya National
        Organisation (ARNO) 77–8, 85
Arakan Rohingya Salvation Army
        (ARSA) 75, 98–9, 100, 121
    2017 attacks 80–85
    controversy surrounding 85–7
    funding 135
    and smuggling 89, 93–5, 134
armed conflict
    and crime / smuggling 1–2, 34–9,
        40, 44, 59–69, 93–7, 99,
        120–125, 130, 132–3, 138
    Bangladesh–Myanmar border
        76–87
    Indonesia–Philippines–Malaysia
        border 104–11
    influence on economy 7–8, 10
    Myanmar–China border 44–52

Thailand–Malaysia border 23–5,
        30
army
    checkpoints 1, 21, 25, 33, 84,
        112, 130
    corruption 27, 29, 35–6, 38,
        96–7, 124
    pro-state militias 43, 45–6, 49,
        51–2, 60–61, 67–9, 70, 71,
        135, 136
    violence by 45, 46, 80, 82, 83,
        95, 105, 108
    see also non-state armed groups
Association of Southeast Asian
        Nations (ASEAN) Framework
        117, 122
Ata Ullah Abu Ammar Junooni 79,
        80, 85–6
Aung San (general, Myanmar) 45
Aung San Suu Kyi (State Counsellor,
        Myanmar) 45
Australia 3, 110
authority
    and legitimacy 2–3, 11–14
    and territorial control 2–3, 11
    types 13–14
    see also state actors; non-state
        armed groups
Autonomous Region in Muslim
        Mindanao (ARMM) 106–8

Bangladeshi Department of Narcotics
        Control 88
Bangladesh–Myanmar border 75–6,
        97–100
    armed conflict 76–87
    goods smuggling 87–9, 94, 97,
        131, 134
    insurgents and smuggling 93–5

'An engaging and readable account of how state actors, armed militias and criminal groups operate in concert to control the political economy of trafficking, extortion and illicit markets that underpins much of the conflict violence in the borderlands of in Southeast Asia.'

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