



THE STATE-SPONSORED GENOCIDE OF THE ROHINGYA COMMUNITY FROM A CONSTRUCTIVIST PERSPECTIVE

El genocidio patrocinado por el Estado de la comunidad Rohingya desde una perspectiva constructivista

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The Rohingya community has been persecuted by Myanmar authorities for years and, consequently, subjected to a process of genocide. The object of this study is the investigation of the conflict born between both communities and its religious roots: Buddhism and Islam. Afterwards, we will focus on the analysis of this historical struggle from the perspective of the Theory of Constructivism and how succeeded the construction of the antagonistic identity of “other”, the “enemy”, the “foe” and the “hostile” from within the government, the governmental institutions and the Myanmar public inside culture, legislation, and constant historical manipulation.



Abstract

El pueblo Rohingya ha sido objeto de persecución por las autoridades birmanas y, consecuentemente, sometido a un genocidio. El objeto de este estudio es la investigación del conflicto nacido entre dos pueblos y sus raíces religiosas: budismo e islam. Posteriormente, analizaremos este enconamiento histórico desde un punto de vista propio de la teoría constructivista y cómo se ha logrado la construcción de una identidad antagonista del “otro”, del “enemigo” y lo “hostil” por parte del estado, las instituciones gubernamentales y el pueblo birmano dentro de la cultura, la legislación y la constante manipulación histórica.



Resumen

Constructivism; Rohingya; genocide; refugees; Islam; Buddhism; International Court of Justice.

Constructivismo; Rohingya; genocidio; refugiados; islam; budismo; Corte Internacional de Justicia.



Key words

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Fechas

1. Introduction

It is only in recent years that the International Community has directed their attention to the Rohingya. After conducting a thorough analysis of the issue, it was found that the international press and the public had not widely acknowledged this topic. On the contrary, it remained in the spheres of academic investigation. Hence, the ultimate purpose of this dissertation is to bring attention to this topic and to depict it as the humanitarian crisis it is. To do so, we will follow a case study method to allow for an in-depth analysis of the use of constructivist narratives to distort reality, exclude groups that are different to the majority and use them as scapegoats for more significant issues.

The theoretical basis of this dissertation is rooted in the Social Constructivist Theory, concerned with conceptualising the relations and dynamics between agents and structures, and the centrality of ideas and human consciousness (Barnett, 2017, p. 147). Consequently, Constructivism suggests that we take seriously the importance of idealism and holism in the world: idealism demanding that we recognise the role of social ideas that shape our mental maps collectively with knowledge, symbols, language and rules; holism declaring that the world is inevitably social and we cannot aspire to analyse actors just by their individual actions, but by how they interact with one another and autonomously (Barnett, 2017, p. 148).

The central point of this theory is the observation of the social construction of reality, which points towards the importance of identity and the social construction of interests and what are acceptable means to achieve these. Furthermore, in this social construct of our reality, ideas shape how we construct, identify, and behave, differentiating categories that help us understand and simplify the complicated world in which we revolve and, in some cases, creating categories with which we discriminate others (Barnett, 2017, p. 148).

Finally, we must clarify that the denomination of Burma changed in 1989 when the military government changed it to the “Union of Myanmar” (Steinberg, 2001, p. xi). Along came the transformation of Rangoon into Yangon, Irrawaddy into Ayeyarwady and Arakan into Rakhine. Many feel it is illegitimate.

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2. Construction of the narrative throughout history

2.1. Introduction to Myanmar's history

Before diving into their current situation, we must go back in time to learn about the community's history. The narrative for targeting Rohingya has been a well-constructed speech fed by the military, ethnic extremists, Buddhist fundamentalists and the National League for Democracy (NLD),¹ that they are “illegal Bangladeshi immigrants” (Ibrahim, 2016, p. 3). A key point has been the shifting legal definition of Burmese citizenship, constructing the idea that Rohingyas are “alien” to the State of Myanmar. What originally started as a scapegoating exercise is now an undeniable truth and has shaped the relations with this minority.

In the 8th century, Muslim traders arrived in boats to the Rakhine Province, where most Rohingyas now concentrate and live. These traders remained and married, constituting the first evidence of Islam in Myanmar (Human Rights Watch, 2000). Later, in the 11th century, people

¹ Main democratic opposition movement, led by Aung San Suu Kyi.

from the Ayeyarwady Valley migrated into the coastal region and formed the bulk of the Rakhine ethnicity (Wade, 2019, p. 54).

The situation tensed when the country fell into British colonial rule in 1885 and the western border that separated it from India, also under British control, disappeared. This meant a new influx of migrants and workforce from India (Wade, 2019, p. 55). In the 1930s, with anti-colonial forces coming to be, half the capital's population was either Hindu or Muslim, and the Bamar majority (ethnic Buddhist majority) felt that their livelihoods and land were being taken away.

Their fury fixed on those communities believed to have been colonial imports, provoking the departure of Buddhism from its central place in society. Thereupon, the belief that Myanmar could only survive if foreign influences were purged and Buddhism returned to the centre stage characterised most nationalist propaganda throughout the twentieth century (Wade, 2019, p. 56).

Strong anti-colonial movements began forming and, in response, the British started drafting soldiers from other small ethnicities, including Muslims, granting them positions above those of Bamar, following a policy of "Divide and Rule" (Mukherjee, 2019, p. 32). This helped develop a sort of chauvinism towards non-Buddhist and non-Bamar individuals. Consequently, nationalist agitators turned their eyes toward the Muslim population when the British colonial rule ended. They believed to be now threatened by Islam or the "new colonisers" that aspired to eventually complete what the imperial power had previously initiated (Mukherjee, 2019).

This story has been subject to many misinterpretations and manipulations, creating a major justification for the persecution of the Rohingyas. In this sense, state authorities attributed the origin of Myanmar to the consolidation of the Ayeyarwady Valley in the 12th century, with the accession of King Anawrahta² to the throne, creating the Bagan empire, with Bamar ethnic majority. Them being the originals, the Bamar and the Buddhist (Wade, 2019, p. 57).

Nevertheless, there is no legitimacy in modern history to effectively render someone "stateless". Under the United Nations' 1961 "Convention on the Reduction of Statelessness" and its first article, when a person is born in the territory of a country and bears no other nationality or legal citizenship, they must be granted the one of the country they were born in. The Rohingyas are Burmese under international law.

2.2. From Independence, to Democracy, to Military Rule and back

After attaining independence in 1948, a period of restrictions began. It must be noted that the Rohingyas were not the only existing ethnic group suffering from these restrictions, others being Kachin, Kayah, Karen, Mon, Rakhine and Shan (Ibrahim, 2016, p. 48).

Under the 1947 Constitution, they were placed into a special category that recognised them to be indigenous ethnic groups but were not given full nationality. Even then, we must note that if we read article 12 of the 1947 Constitution, we find a provision regarding citizenship that

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2 First king of Myanmar between 1044-1077, unified the Ayeyarwady Valley region from 1000-1300 AD. After being converted to Theravāda Buddhism, this strand of Buddhism became the predominant religion of the territory (The Editors of Encyclopaedia Britannica, 2018).

allows the Parliament to “terminate the citizenship of any existing classes” (The Constitution of the Union of Burma, 1947).

2.2.1. The Transition and the democratic period during 1948-1962

An essential figure of this period is Aung San, “the architect of Burmese freedom”, a student that conducted a strike at the University of Rangoon in 1936 and that would continue to become one of the heads of the independence movement and the new government until his death in 1947 (Tewson, 2016). He led the Anti-Fascist People’s Freedom League (AFPFL) through the independency negotiations; this political party would lead the country under the Presidency of U Nu until the military takeover.

During the transition from colony to independence, Aung San joined representatives of minority groups to sign documents that officially recognised their autonomy, even putting in place an indigenous judiciary. His wish was to create a Union of Burma that did not focus on the separate status of non-Burman people. This could have meant the evolution from a mono-ethnic vision of Myanmar to a multi-ethnic future (Mukherjee, 2019, p. 32).

Under the 1947 Constitution and Article 11 (iv), individuals of the ethnic groups that had lived in the territory of Myanmar for at least eight years of the previous ten would eventually acquire full citizenship (The Constitution of the Union of Burma, 1947). Rohingyas were granted the “Rohingyas National Registration Certificates” with full legal and voting rights, meaning they did not need to apply for a citizenship certificate as they were “one of the indigenous races of the Union of Burma” (Ibrahim, 2016, p. 49). Groups of Rohingya were serving as members of the parliament and even managed to form a student association at Rangoon University. There was no clear indicator that they would not be awarded citizenship eventually.

2.2.2. Military rule during 1962-1988

Myanmar’s democratic period did not last long. Believing the military could be the only reliable power, Ne Win, a military commander, led a *coup d’état* in 1962 against U Nu’s Presidency, which succeeded due to internal corruption and social disintegration. Ne Win’s obsession with Buddhism and mistrust of minority groups meant the restart of discriminatory policies, which sought to create a force capable of protecting Myanmar’s borders. It was their task to secure national sovereignty and integrity (Mukherjee, 2019, p. 33)

In 1974, the Emergency Immigration Act imposed ethnicity-based identity cards (National Registration Certificates), with Rohingyas only being eligible for Foreign Registration Cards, for non-nationals (Ibrahim, 2016, p. 50). The argument being that under the new 1974 Constitution, citizenship was only awarded when you were born of parents both whom were nationals or when vested with citizenship according to existing laws (Constituent Assembly of Burma, 1974).

Since they were not formally recognised as citizens under the 1947 Constitution, they could not opt to be citizens of the State, and their National Registration Certificates were substituted by Foreign Registration Cards. It is important to note that these first attempts at restricting Rohingya citizenship came during a period of great economic crisis (Tallentire, 2007), meaning the regime needed to deflect attention from them and redirect it (basically, the massive failure of the *Burmese Road to Socialism* policy between 1962 and 1988). Being the Rohingya a com-

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munity mainly focused on agriculture and not disposing of arms, making the possibility of an armed revolt almost null, made them an easy target.

In 1977, General Ne Win and the military launched Operation Dragon King and began dissolving Rohingya social and political organisations, with more than 200,000 Rohingyas feeling to Bangladesh. Refugees reported that the Burmese army had forcibly evicted them and alleged widespread army brutality, rape, and murder (Human Rights Watch, 2000).

In 1982, the Burmese Citizenship Law was enacted, and four categories of citizens were created: citizen, associate citizen, naturalised citizen and foreigner. In this sense, different ethnic groups were assigned to each category “taking into account” how long they had been residing in Myanmar before 1824 (First Anglo-Burmese War).

As history had been manipulated, the Military Junta led Burmese people to believe Rohingyas were not residing in pre-colonial Myanmar, even though there was enough evidence suggesting otherwise. Under the 1982 legislation, not being able to prove their presence in the country prior to 1824 and not being considered one of the “national ethnicities” Rohingyas were denied full citizenship, leading to restrictions of movement, access to education and loss of land holding. Other minorities such as Kachin, Kayah, Mon, Karen, Rakhine and Shan were granted citizenship. With their official classification as foreigners came the first waves of justified violence by the State (Human Rights Watch, 2000).

2.2.3. ¿Back to democracy? Period of 1988-2008

Following years of economic stagnation and restrictions on personal freedom, students began voicing their resentment. On the 8/8/88 uprising, thousands marched on the streets of Yangon. Shortly, military troops began firing at the protesters. Aung San Suu Kyi, daughter of Aung San, joined the cause and became the leader of the pro-democracy movement, the NLD. However, when the military cracked down on the protestors, announcing a new military ruler, imposing martial law, and banning public demonstrations, Aung San Suu Kyi was put under house arrest, being released in 2010 (Wallace, Kramer, & Richman, 2013).

This period meant a renewed wave of attacks against Rohingyas. Their life was marked by forced labour, rape, beating and land theft. They were displaced from their homes, which were either destroyed or re-appropriated. Consequently, this led to more Rohingyas trying to flee to Bangladesh or Malaysia, in some cases staying as stateless refugees (Ibrahim, 2016, p. 52).

2.3. Modern Myanmar (2008-2015)

This time in Myanmar’s history was marked by the struggles of democracy to depose military rule and the growing influence of Buddhism on the construction of nationalism and nation.

2.3.1. Delegitimising the Junta

In 2007, the Saffron Revolution took place. Even though it was harshly condemned and suppressed by the military junta, it managed to fully cement existing alliances between the NLD and the Buddhist monks, further delegitimising the military management (Harvard Divinity School, 2022).

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Nonetheless, the downfall of the military government can be pinpointed in 2008, with the arrival of Cyclone Nargis. This unusually fierce cyclone crossed the country's south and devastated the Ayeyarwady Delta region (International Federation of Red Cross and Red Crescent Societies, 2011), causing 140,000 deaths. The economic damage was unsurmountable after the destruction of 95% of buildings and 65% of the country's rice fields (OXFAM International, 2009).

At first, the government refused foreign aid as it interpreted it to be meddling in its internal affairs, only accepting it if it were to come from the Association of South-East Asian Nations (ASEAN) (Ducci, 2018, p. 14). They agreed to allow international aid organisations to help after a campaign from the French Foreign Minister in the United Nations arguing that "they were a threat to their own people" (Junk, 2015, p. 83) and were infringing the principle of R2P (Parsons, 2008). The constant absence of the military when needed and the violent repression of revolts worsened the relation with civilians, that now considered them hostile enemies (Ibrahim, 2016, p. 56).

2.3.2. The NLD and the USDP

A new Constitution was enacted in 2008 and the demand for democracy was met with the 2010 elections. The Union Solidarity and Development Party (USDP), created by the military to participate, won the elections (most likely resorting to client voting); the NLD refused to participate as a form of boycott. It is important to note that this Constitution enshrined the juntas' influence and autonomy, while countenancing a civilian government and opposition figures like Aung San Suu Kyi. At the same time, they ensured themselves the control of important holding companies, effectively controlling part of the state's economy (Barron, 2017).

In 2011 and 2012, the military junta was dissolved, and new elections were called, which were won by the NLD. It seemed as if Myanmar was slowly transitioning into democracy, with a political party led by media-friendly and Nobel Peace Prize winner Aung San Suu Kyi. However, looking closely into the 2008 Constitution and Article 345 regarding citizenship, we witness how nothing had changed for the Rohingyas as it restricts "citizenship to those already deemed to be citizens or children born to two parents who are already citizens" (Union of Myanmar, 2008).

In 2015, new elections came that tensed the relation between the NLD and the USDP. Even though the NLD won, halting possible attempts from the military to seize power, it was evident that the economic power was still in their hands, as well as the country's resources (Barron, 2017). The NLD's popularity rested upon two crumbling pillars: the popularity of Aung San Suu Kyi and the alliance with the Buddhist monks.

2.3.3. The role of Buddhism

We must clarify that Buddhism played a fundamental role in forcing the transition from military rule to democracy. Buddhist monks' involvement in the 2007 Saffron Revolution was very significant, when Burmese democracy activists, monks and ordinary people took to the streets of Yangon to peacefully challenge almost two decades of dictatorial rule and economic mismanagement (Human Rights Watch, 2007, p. 7).

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As expected, the reaction of the military was brutal. The turning point occurred when monks were first cheered by thousands of protesters and then, mercilessly attacked by the military (Human Rights Watch, 2007, p. 12). By joining the revolts, the monks provided with wider moral and religious credibility, and legitimacy to the movement, signalling that the military junta was losing control (Ibrahim, 2016, p. 63). Most likely, their participation also pushed the junta towards the reforms that were adopted in 2011 and that, eventually, culminated with the 2015 election victory of the NLD and Aung San Suu Kyi (Freeman, 2019). Two were the outcomes of these revolts, equally problematic: 1) the romanticised image of Buddhist monks and 2) their linkage to pro-democratic opposition groups such as the NLD.

2.3.3.1. The Theravāda Buddhist tradition, the 969 Movement and the MaBaTha

Since Buddhism is known to be a religion with a tendency for peace and conflict-avoidance, it could come as strange to locate one of the main points of the Rohingya persecution in it. As aforementioned, the image of monks following the 2007 Saffron Revolution was romanticised, washing over the fact that ultra-nationalist and Islamophobic narratives were born within it.

The strand of Buddhism that we find prevalent in Myanmar, Sri Lanka and Thailand is known as Theravāda Buddhist tradition, one of the main strands of Buddhism alongside the Mahāyāna Buddhist tradition; it differs from Tibetan Buddhism with regards to pacifism and non-violence (Bakali, 2021, p. 61). The followers of this strand of Buddhism claim to adhere most closely to the original doctrines and practices taught by Buddha as they consider the *Pali canon* to be authoritative (Editors of Encyclopaedia Britannica, 2014).

One of the main teachings of the Theravāda Buddhist tradition is the linkage between religion and State power. The acceptance of other religious forms is understood as a potential threat to the State and faith, even in some cases viewing those that are not Buddhists as morally lesser (Junk, 2015, p. 61). This is one of the fundamental reasons why violence against other religions is justified. The existence of those who dissent from this radical view is a threat to the political structure (Ibrahim, 2016, p. 65).

Moreover, as previously stated, Buddhism was constructed as a fundamental part of being a “loyal” citizen along with being ethnically Burman. This is because the Theravāda tradition is followed by many of those not ethnically Burman, so if Myanmar cannot be reduced to one single ethnicity, it can at least be unified under a single religious belief (Ibrahim, 2016, p. 66). A clear example of other minorities being Buddhist and not being the recipient of such backlash as the Rohingyas being: Shan, Mon, Rakhine, and some Karen (Keyes, 2016, p. 44).

Contrary to this belief system, the Dalai Lama has spoken regarding the continuous attacks suffered by the Rohingyas, declaring that the territory should follow the Buddha’s example and come to the aid of the persecuted minority (Westcott & George, 2017). Sadly, the influence of the Dalai Lama is severely limited by the fact that he belongs to a different strand of Buddhism: the Vajrayana tradition, a branch of the Mahāyāna tradition that became dominant in Nepal in the fifteenth century and prioritises social inclusion (Ibrahim, 2016, p. 66).

Deriving from this interpretation of Buddhism, we find the creation of the 969 Movement. This aggrupation, descending from the 8/8/88 uprising, is currently involved in campaigns against those not considered to be enough Burmese (Bakali, 2021, p. 62). One of the prominent leaders

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of the 969 Movement, Ashin U Wirathu, called for the boycott of businesses that were Muslim-owned (through a “buy Buddhist” campaign), urging the NLD and the USDP to potentiate their anti-Muslim politics to protect the State’s purity (Bakali, 2021, p. 62). This led President Thein Sein to pass the Population Control Health Care Bill, which allowed for local authorities to have the power to implement a three-year birth spacing in Rohingya areas with “rapid” population growth (Deutsche Welle, 2015). This was harshly criticised by Human Rights Watch, arguing that it allows for racist and anti-Muslim behaviour (Human Rights Watch, 2015).

Movements such as this one believe that violence and discrimination are legitimate as long as they follow a morally justified goal, which equals “protecting” the Buddhist culture and dominance. This allows them to maintain the moral high grounds of assuring that they are not to blame for what their followers do influenced by their hate speech (Ibrahim, 2016, p. 68).

Facing the crumbling infrastructures and the economic crisis under the military regime, the 969 Movement became the main provider of basic education for Myanmar’s poor with the creation of the Organization for the Protection of Race and Religion (MaBaTha). They seek to preserve the Buddhist faith from outside threats and control the country’s educational system to the highest degree possible, producing textbooks used in Sunday schools (Bakali, 2021, p. 62). The core message contained in these textbooks spreads Islamophobia and discrimination against others.

In all three countries where this tradition of Buddhism is present, we find examples of Buddhist leadership acting with intolerance towards other minorities in the territory, the common factor being the interpretation this strand has of Buddhism. However, it is of utmost importance that we note that Theravāda Buddhism is not about extreme nationalism and intolerance towards other beliefs “but that there are elements within its belief system that make it very vulnerable to being captured by those who wish to construct an exclusive, confessionally pure, policy” (Ibrahim, 2016, p. 64).

We must clarify that this Buddhist doctrine is not inherently radical and that these acts have been carried out by a more extreme branch deriving from it. In fact, there are outstanding examples of Theravāda Buddhist leaders denouncing anti-Muslim policies, advocating for Muslim-Buddhist dialogues and understanding (Keyes, 2016, p. 49). This evolution and linkage between religion and nationalism is a particular case only applicable in Myanmar’s context.

2.3.3.2. The linkage between the NLD and the military

Predictably, the alliance between the NLD and the monks was not positive for other minorities that were not Burman or Buddhist (McGowan, 2012). The ideological leaders for the persecution of minorities, and more concretely Rohingyas, come from their ranks, and monks’ close relation to the party could potentially hinder their opportunities for reaching a better social position.

The influence of extremist Buddhist monks is one of the many reasons why the military remained complicit in violence against the Rohingyas. As they had erected themselves as “protectors of the nation” after constructing a symbiosis between Buddhism and being a good citizen, the participation in the continuous attacks against the Rohingyas demonstrates that they respect and follow religious sentiments, allowing them to gain Buddhist support once again (McGowan, 2012). “Thus attacking Rohingyas has become, to some, a public way to emphasise one’s commitment to Buddhism”, with movements such as the MaBaTha funded by the regime (Ibrahim, 2016, p. 70).

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2.4. On the Brink of Genocide: the 2012 massacres

The first critical wave of violence erupted at the beginning of June 2012, triggered by the distribution of pamphlets that described the alleged rape and murder of a Rakhine woman by three Muslim men (Human Rights Watch, 2013). In June, a group of Rakhine Buddhists stopped a bus and killed the ten Muslim men travelling in it. Following this atrocity, numerous attacks commenced on villages and communities, violence escalating. Armed mobs were murdering and committing arson. At first, local security forces stood by, but later some officials actively joined in the burning of Rohingya villages; by the end, the State refused to investigate those involved in the killings or did nothing to stop them. The bodies of dead Rohingyas were dumped beside refugee camps, hogtied and then executed, sending a message that they should leave permanently (Lone, Lewis, & Slodk, 2018).

The wave of attacks that followed was much more well planned and organised as, for months, the local political party and senior Buddhist monks publicly vilified the Rohingyas. They described them as a threat to the Burmese population, declaring that they were planning the “extinction of the Arakanese and stealing our land, drinking our water, killing our people” (Ibrahim, 2016, p. 82). This sustained campaign sought to effectively isolate the Rohingyas, rendering them helpless while at the same time telling them to go home, meaning Bangladesh or “countries with the same religion” (BBC, 2012).

Following these declarations, thousands of Arakanese men armed with machetes, swords, homemade guns, Molotov cocktails and other weapons attacked Muslim villages in nine townships. As expected, governmental and regional security forces either failed to intervene or participated in the violence (Lone, Lewis, & Slodk, 2018).

As a consequence, there was a major displacement of Rohingyas fleeing the violence: around 100,000 ended up in internal refugee camps in Myanmar, similar to ghettos; the UNHCR estimated that 13,000 arrived in Malaysia and 6,000 in Thailand (Human Rights Watch, 2013); hundreds were reported to have died at sea and those who did arrive to the recipient countries were forced into slave labour (Ibrahim, 2016, p. 86).

During 2013 and 2014, the attacks did not stop, but they declined in violence and occurrence. However, in 2014, when preparing for the 2015 elections, it was declared by the authorities that those Rohingyas that did not identify as “Bengali” willingly would not be allowed to complete the census. These acts led to the final removal of any identification card they could hold. Without it, they were forced to either go into the refugee camps or mass migrate to neighbouring countries (Amnesty International, 2018).³

2.5. The pinnacle of the conflict: 2017

It all happened after militants of the Arakan Rohingya Salvation Army (ARSA)⁴ attacked police and army posts in north-western Rakhine Province on the 25th of August.

³ For a more in-depth knowledge of what their travels entail, vid. Amnesty International's 2018 report “We Will Destroy Everything’ Military Responsibility For Crimes Against Humanity In Rakhine State, Myanmar”.

⁴ Emerged in October 2016. ARSA declare it is fighting on behalf of more than a million Rohingyas, who have been denied the most basic rights, including citizenship. Myanmar's authorities claim they are a terrorist group (Amnesty International, 2018).

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This gave the perfect opportunity to the military to declare that the State of Myanmar has been facing continuous terrorist threats. They responded by killing thousands of Rohingya civilians, mass raping women and girls and burning entire villages to the ground (Adams & Ganguly, 2019). In three months, nearly 700,000 Rohingyas fled the country, most of them going to the neighbouring country of Bangladesh by land, others trying to reach Indonesia, Malaysia and Thailand by sea (Albert & Maizland, 2020). According to Doctors Without Borders, only in the first months of the attacks, around 6,700 Rohingyas were killed as Myanmar's security forces opened fire on civilians and planted land mines on the border crossings to Bangladesh (Doctors Without Borders, 2019).

Both Al-Qaeda and ISIS declared that "the savage treatment meted out to our Muslim brothers in Arakan by the government of Myanmar under the guise of 'fighting rebels' shall not pass without punishment, and the government of Myanmar shall be made to taste what our Muslim brothers have tasted in Arakan, with the permission of Allah" (Mironova & Sergatskova, 2017).

Statements such as this create the perfect scenario for Burmese authorities and Buddhist extremist leaders to assure that the Rohingyas wish to carry out the *jihad*, creating an archetype of "dangerous Muslim". In this sense, the "othering" of Muslims and the systematic racism and anti-Muslim violence are structured around the "War on Terror" (Bakali, 2021, p. 54). Authorities declared it a "clearance operation" to rid the country of terrorist militants.

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2.6. Current Situation

In February 2021, Myanmar was victim, once again, to a military *coup* orchestrated by Min Aung Hlaing. These new developments must unwind to assess the situation of the Rohingyas in the face of this government. Hopefully, even in this dire situation, the discourse against Rohingyas will not harden, leading to more genocidal intentions from the authorities. Nonetheless, it is known that military leader, Min Aung Hlaing, actively participated in the 2017 attacks against the community, which resulted in the death of thousands (Bauchner, 2021). The future that awaits the Rohingyas is uncertain.

It is important to note that even throughout its democratic attempts, Myanmar has constantly been subjected to special control by the military forces, eager to return to power. The narrative of democracy never matched the reality (Strangio, 2021).

3. Genocide and International Law

3.1. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide

One of the preconditions to genocide is the systematic denial of standard legal rights of an identified group. According to the Convention on the Prevention and Punishment of the Crime of Genocide (United Nations, 1948) and Article II:

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a) Killing members of the group;

- b) Causing serious bodily or mental harm to members of the group;
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births within the group;
- e) Forcibly transferring children of the group to another group.

This makes genocide, whether committed in times of peace or war, a crime under international law and requires States “to prevent and to punish” it (Lindblom, Marsh, Munyan, & Motala, 2015, p. 37).

To analyse it, we must locate: the “group”, the “act” and the “intent”. All of these shall be proved if we wish to condemn a crime under the scope of this Convention.

Firstly, the “group”. Rohingya fit within the ambit of protection established as they are a distinctive group under the proposed definition: national, ethnic, racial or religious. They share a common history, culture and language and they are viewed by their persecutors as a distinctive group that deserves to be targeted (Lindblom, Marsh, Munyan, & Motala, 2015, p. 44).

Secondly, the “acts”. These being:

- a) Killing members of the group: It must carry intent, not being a mere liability or accident. Nonetheless, we have previously stated how the State security forces were involved in the massacres of the Rohingya in Rakhine, as it was denounced by UN agencies (United Nations, 2017), independent experts (Southwick, 2018, p. 126), and human rights organisations (Amnesty International, 2018, p. 59).
- b) Causing serious bodily or mental harm to members of the group. Even though the Convention itself does not explicitly enumerate which acts may fit into this particular category, relying on the International Criminal Tribunal for Rwanda (ICTR), in the case of Jean-Paul Akayesu, paragraph 504 of the Judgement “for purposes of interpreting Article 2 (2)(b) of the Statute, the Chamber takes serious bodily or mental harm, without limiting itself thereto, to mean acts of torture, be they bodily or mental, inhumane or degrading treatment, persecution” (International Criminal Tribunal for Rwanda - Chamber I, 1998).

In this sense, we found numerous acts that fall under the scope of this article according to testimonies given by survivors, such as torture (Amnesty International, 2018, p. 31) and sexual aggression against women and girls (Amnesty International, 2018, p. 88).

- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part. We must resort to the case of Jean-Paul Akayesu, paragraphs 505-506. In these, the Court indicates the inclusion of acts in which the perpetrator does not only immediately kill the members of the group, but seek their slow physical destruction by deliberately “subjecting a group of people to a subsistence diet, systematic expulsion from homes and the reduction of essential medical services below minimum requirement” (International Criminal Tribunal for Rwanda - Chamber I, 1998).

There are testimonies in which survivors declared being forced into starvation (Amnesty International, 2018, p. 101) when they were not allowed to attend to the crops or cattle, or visit the markets, prohibiting them from accessing the indispensable resources for their survival (Lindblom, Marsh, Munyan, & Motala, 2015, p. 48).

*Firstly, the “group”.
Rohingya fit
within the ambit
of protection
established as they
are a distinctive
group under the
proposed definition:
national, ethnic,
racial or religious*

Moreover, they were forced to leave their houses, becoming Internally Displaced Persons (IDPs), or had to flee the country to fall into refugee camps with subsequent denial of medical care, sanitation, food and paid labour opportunities (Lindblom, Marsh, Munyan, & Motala, 2015, p. 48). In the case of IDPs, we must point out that their situation is even more extreme because their total number is unknown (Rushing, 2017). The credible amount of data we have access to is limited as humanitarian aid organisations are prohibited from entering Myanmar, making it difficult to account for the total number of those in need.

Furthermore, the situation of those living in refugee camps in Bangladesh is not much better. Most have sought help in Bangladesh, a country which cannot host such an amount of migrants due to its limited resources and land available. Most Rohingyas live in crowded and extremely congested refugee camps such as Kutapalong, in Cox's Bazar District, hosting around 900,000 (ACNUR, 2020), more than half being children (Routray, 2020).

Here, children lack access to education and are barred from accessing schools outside of the camps; the risk of disease outbreak is extremely high (measles, tetanus, diphtheria...); more than the 60% of the water used in these camps is potentially contaminated, which increases the risk of spreading disease (Albert & Maizland, 2020). Additionally, the situation while fighting off the pandemic caused by the virus of COVID-19 is rapidly growing more acute and critical.

- d) Imposing measures intended to prevent births within the group. In this case, the ICTR specifies in paragraph 507 that it can entail, among other acts, "forced birth control, separation of the sexes and prohibition of marriages" (International Criminal Tribunal for Rwanda - Chamber I, 1998).

There have been a total of two laws imposed in this respect against Rohingyas: 1) restrictions on marriage, forcing them to ask for State permission, typically coming with fees to pay and bribes, and forcing them to hand in pictures of men without their beards and women without their *hijabs* to obtain said permission, violating their dogmas of faith (Lindblom, Marsh, Munyan, & Motala, 2015, p. 51); 2) restrictions on the number of children a family could have through the aforementioned Population Control Health Care Bill, in some cases forcing women to use pills and injections for birth control (Deutsche Welle, 2015).

- e) Forcibly transferring children of the group to another group. Even though we have found clear evidence of the Rohingya Community being forcibly transferred to other areas, camps or even expelled from the country, there is no clear evidence on the particular case of children being transferred to other groups.

Nonetheless, it is clear that the "acts", did happen.

Thirdly, the "intent".

The anti-Rohingya/Muslim rhetoric, the evidence of the attacks being carried out against this community, the mass-scale acts targeting them and the continuous laws to strip them of social rights prove the intent of bringing an end to this group.

Amnesty International has established in its reports that there is fundamental and clear evidence that most of the attacks targeting the Rohingya were orchestrated by the military and high authority forces within the chain of command. Most of the attacks were not the actions of rogue or out-of-control soldiers or units (Amnesty International, 2018).

The anti-Rohingya/Muslim rhetoric, the evidence of the attacks being carried out against this community, the mass-scale acts targeting them and the continuous laws to strip them of social rights prove the intent of bringing an end to this group

In 2018, the United Nations called for an International Independent Fact-Finding Mission on Myanmar. In paragraph 121, they declare the authorities' actions to be intentionally, frequently and systematically targeting Rohingyas, the "intent" being clear (Human Rights Council, 2018).⁵ Furthermore, they declared that the crimes and how they were perpetrated were "similar in nature, gravity and scope to those that have allowed genocidal intent to be established in other contexts" (United Nations, 2018).

Moreover, in September 2020, two Myanmar soldiers confessed to Rohingya killings and rapes during the 2017 crackdown. The soldiers provided multiple names of soldiers and commanders higher in rank. They claimed to be acting under orders from senior commanders to "exterminate all Rohingya" to "shoot all that you see and that you hear" and to "kill all" Rohingyas in specific areas (Fortify Rights, 2021, p. 27).

Additionally, these acts of destruction do not need to be merely physical, the interpretation of the "intent to destroy" can be broader. Clear examples of social group destruction are: the denial of education and ability to practice their cultural rites or educate in their own language, both implemented against the Rohingyas. Such notion was clarified by the International Criminal Tribunal for the former Yugoslavia, paragraph 854 and footnote 1701, in the case of Momčilo Krajišnik (International Criminal Tribunal for the former Yugoslavia, 2006).

Finally, we must indicate that the term "ethnic cleansing", whilst widely used by the media, has not been recognised as an independent crime under international law and an official definition has never been provided. The expression has been used in resolutions of the Security Council and the General Assembly and acknowledged in judgments of the ICTY, although declaring in paragraph 293 of the Judgement that "The Chamber wishes to note that it has not treated the term as legally significant".

A United Nations Commission of Experts that looked into violations of international humanitarian law in former Yugoslavia declared in its interim report, S/25274 paragraphs 55 and 56 that "ethnic cleansing" means "rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area" by "means of murder, torture, arbitrary arrest and detention, extra-judicial executions, rape and sexual assaults, confinement of civilian population in ghetto areas..." (United Nations, 1993). Acts that fall within the scope of the Convention.

3.2. Actions taken

When home States prove unable or incapable of providing aid and protection to those in need and fail in their primary duty to protect, the responsibility falls onto the International Community and the R2P. In this sense, the ASEAN must react to this issue. They are in a perfect position to act on Myanmar as this crisis is affecting them to the point that they are receiving a mass influx of migrants arriving at their borders seeking help (Ibrahim & Nordin, 2015, p. 11).

The fundament behind their silence is one of the core principles of their association: the doctrine of non-intervention in domestic affairs, which signifies the principle of sovereignty, non-interference and peaceful means of conflict resolution (Radzi, 2019, p. 18). Their reluctance

Finally, we must indicate that the term "ethnic cleansing", whilst widely used by the media, has not been recognised as an independent crime under international law and an official definition has never been provided

⁵ For further testimonies vid. "Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar" (2018).

to apply the principle of R2P, even after having compromised to it, suggests that they put first their international reputation, but wish to ensure the survival of their regional regime (Rum, 2020, p. 152).

The International response is lacking. Nonetheless, in November 2019, The Gambia filed its case against Myanmar at the International Court of Justice for the alleged genocide of the Rohingya in a move widely hailed by Muslim minority groups and refugee host country Bangladesh (Sakib, 2020). Accordingly, provisional measures were issued by the Court as they considered that the “urgency” necessary requirement was satisfied when the acts that cause irreparable prejudice “can occur at any moment”. Myanmar authorities need to take all measures in their power to prevent all of the acts comprehended in article 2 of the 1948 Convention from happening as the Court considers there is a real and imminent risk of irreparable prejudice to the rights invoked (International Court of Justice, 2019, p. 4). They need to, as well: exert control over any non-state actors that might also be committing such acts, not do anything that would further aggravate or extend the existing dispute and cooperate with the United Nations and any of its bodies.

Moreover, they ought to take all the measures available to prevent “the destruction and ensure the preservation of evidence” (International Court of Justice, 2020, p. 7) and submit a report to the Court that comprehends all the acts taken in this sense in four months, until the Court renders a final decision on the case. There is no proof of Myanmar complying with these measures, and the United Nations Security Council, capable of enforcing it, has remained silent (Rael, 2021, p. 388).

In February 2022, the Court held public hearings devoted to the preliminary objections raised by Myanmar. Afterwards, it will issue a decision on the preliminary objections, determining whether the case can proceed to the merits. If so, this could be the first binding decision to hold Myanmar accountable for the acts committed.

Notwithstanding the foregoing, we believe the provisional measures taken by the Court to be insufficient. The genocidal “intent” is already proved in the Fact-Finding Mission carried out by the United Nations Human Rights Council in 2018 and, accordingly, the Court should have taken more cautions as the current ones had virtually no impact on the protection of the Rohingyas. According to Tun Khin, president of Burma-Rohingya Organisation UK, genocide against the Rohingya group is still ongoing and the military believe they can ignore the provisional measures without facing consequences (Khin, 2022).

We could be discouraged by the slowness and ineffectiveness of the proceeding, but it seems The Gambia filing its case has somehow awoken dormant states to declare their repulsion. The Biden Administration declared in March 2022 that Myanmar should be prosecuted and held responsible for the genocide against the Rohingyas (Hudson, Mahtani, & Ryan, 2022). Likewise, the UK has declared there will be sanctions against the military junta following the *coup*, joining Canada and the US (Foreign, Commonwealth & Development Office, 2022).

4. Conclusion

It can be concluded that the refusal of citizenship rights to Rohingyas, as well as the linkage of these to the dual, symbiotic concept of Burmese/Buddhist, has led to the persecution that ultimately unleashed the genocide. There has been a constant correlation of being a “loyal

In February 2022, the Court held public hearings devoted to the preliminary objections raised by Myanmar

citizen” to the Theravāda Buddhist tradition, meaning that all those who are neither ethnically Burman nor Buddhists do not deserve to be in the country. They are threats, enemies, “others”. Narratives such as this help construct the idea of “us” versus “them”. And if you are not one of us, you are against us, below us.

In this scenario, it is not strange to see para-military groups, such as ARSA, emerging. Their birth is just as predictable as it is depressing: it gave the authorities the perfect missing piece to a well-constructed narrative that ultimately seeks the destruction of the Rohingyas. With their attacks, the violence was justified, it is the “war on terror”, they are terrorists. And those forgotten, casted-aside, now are denied even their mere existence, falling under a more cruel and opaque label: terrorists, Bengali illegal migrants.

When genocide is happening right before our eyes, action needs to be taken. The International Community needs to answer before it transforms into another Rwanda. The response needs to be immediate and in line with the flagrant violation of human rights. If we wish to avoid the complete disappearance of a culture, language and people, history must be set right. We hope that the noble attempts at holding Myanmar accountable are effective and the Rohingyas are protected.

References

- ACNUR. (2020, July). Kutupalong: el campo de refugiados más grande del mundo. *Agencia de la ONU para los Refugiados*. https://eacnur.org/blog/kutupalong-el-campo-de-refugiados-mas-grande-del-mundo-tc_alt45664n_o_pstn_o_pst/
- Adams, B., & Ganguly, M. (2019, June 5). For Rohingya Refugees, There’s No Return in Sight. Why They Remain Stuck in Bangladesh. *Foreign Affairs*. <https://www.foreignaffairs.com/articles/burma-myanmar/2019-06-05/rohingya-refugees-theres-no-return-sight>
- Albert, E., & Maizland, L. (2020, January 3). The Rohingya Crisis. *Council on Foreign Relations*. <https://www.cfr.org/background/rohingya-crisis>
- Amnesty International. (2018). “*We Will Destroy Everything*” Military Responsibility for Crimes Against Humanity in Rakhine State, Myanmar. Amnesty International Ltd.
- Bakali, N. (2021). Islamophobia in Myanmar: the Rohingya genocide and the ‘war on terror’. *Race & Class*, 62(4), 53-71. <https://doi.org/10.1177/00306396820977753>
- Barnett, M. (2017). Social Constructivism. In J. Baylis, S. Smith, & P. Owens, *The Globalization of World Politics. An Introduction to International Relations* (pp. 144-158). Oxford University Press. <https://doi.org/10.1093/hepl/9780198825548.003.0012>
- Barron, L. (2017). Meet Min Aung Hlaing, the Chief of Myanmar’s Notorious Military. *TIME*. <https://time.com/5004822/myanmar-rohingya-min-aung-hlaing/>
- Bauchner, S. (2021, September 21). This Is What Impunity Looks Like Myanmar’s Coup Built on Years of Failed Accountability. *Opinio Juris*. <http://opiniojuris.org/2021/09/27/symposium-on-the-current-crisis-in-myanmar-this-is-what-impunity-looks-like-myanmars-coup-built-on-years-of-failed-accountability/>
- BBC. (2012, November 21). The Burmese monks who preach intolerance against Muslim Rohingyas. *BBC News*. <https://www.bbc.com/news/av/world-asia-20427889>

- Constituent Assembly of Burma. (1974). *The Constitution of the Union of Burma*. http://www.myanmar-law-library.org/spip.php?page=pdfjs&id_document=61
- Deutsche Welle. (2015, May 23). Controversial population control bill becomes law in Myanmar. *Deutsche Welle*. <https://www.dw.com/en/controversial-population-control-bill-becomes-law-in-myanmar/a-18472590>
- Doctors Without Borders. (2019, June). Rohingya refugee crisis. *Doctors Without Borders*. <https://www.doctorswithoutborders.org/rohingya-refugee-crisis>
- Ducci, C. (2018, June 11). *ASEAN's Norm Contestation over the Responsibility to Protect: A Comparative Study of the Humanitarian Crises of Cyclone Nargis and the Rohingyas in Myanmar*. <https://studenttheses.universiteitleiden.nl/access/item%3A2610272/view>
- Editors of Encyclopaedia Britannica. (2014, February 5). Theravada Buddhism. *Britannica*. <https://www.britannica.com/topic/Theravada>
- Foreign, Commonwealth & Development Office. (2022, January 31). UK announces new sanctions against Myanmar ahead of 1-year anniversary of coup. *GOV.UK*. <https://www.gov.uk/government/news/uk-announces-new-sanctions-against-myanmar-ahead-of-one-year-anniversary-of-coup>
- Fortify Rights. (2021, August). *Ending Impunity in Myanmar*. <https://www.fortifyrights.org/downloads/Ending%20Impunity%20in%20Myanmar%20-%20Fortify%20Rights%20-%20August%202021.pdf>
- Freeman, J. (2019, September 29). The 'Good Monk' Myth. *The Atlantic*. <https://www.theatlantic.com/international/archive/2017/09/saffron-revolution-good-monk-myth/541116/>
- Harvard Divinity School. (2022). Religion and Public Life. *Saffron Revolution*. <https://rpl.hds.harvard.edu/faq/saffron-revolution>
- Hudson, J., Mahtani, S., & Ryan, M. (2022, March 21). United States declares Myanmar committed genocide against Rohingya. *The Washington Post*. <https://www.washingtonpost.com/national-security/2022/03/21/myanmar-genocide-rohingya/>
- Human Rights Council. (2018, September 17). *Human rights situations that require the Council's attention*. Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar. https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_CRP.2.pdf
- Human Rights Watch. (2000, May). *Burma/Bangladesh Burmese Refugees in Bangladesh: still no durable solution*. II. Historical Background. <https://www.hrw.org/reports/2000/burma/burm005-01.htm>
- Human Rights Watch. (2000, May). *Burma/Bangladesh Burmese Refugees in Bangladesh: still no durable solution*. III. Discrimination in Arakan. <https://www.hrw.org/reports/2000/burma/burm005-02.htm>
- Human Rights Watch. (2007). *Crackdown: Repression of the 2007 Popular Protests in Burma*. New York.
- Human Rights Watch. (2013, April 22). "All You Can Do is Pray" Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State. *Human Rights Watch*.

<https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims>

- Human Rights Watch. (2015, May 16). Burma: Reject Discriminatory Population Bill. 'Race and Religion' Laws Could Herald New Repression, Violence. *Human Rights Watch*. <https://www.hrw.org/news/2015/05/16/burma-reject-discriminatory-population-bill>
- Ibrahim, A. (2016). *The Rohingyas. Inside Myanmar's genocide*. C. Hurst & Co. (Publishers) Ltd.
- Ibrahim, H., & Nordin, R. (2015). The Principle of Responsibility to Protect: The Case of Rohingya in Myanmar. *Pertanika Journal of Social Sciences & Humanities*, 23(S), 1-19.
- International Court of Justice. (2019, November 11). *International Court of Justice*. Application Instituting Proceedings and Request for Provisional Measures. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar). <https://www.icj-cij.org/public/files/case-related/178/178-20191111-APP-01-00-EN.pdf>
- International Court of Justice. (2020, January 23). *International Court of Justice*. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar). Request for the indication of provisional measures. <https://www.icj-cij.org/public/files/case-related/178/178-20200123-SUM-01-00-EN.pdf>
- International Criminal Tribunal for Rwanda - Chamber I. (1998, September 2). *United Nations. International Residual Mechanism for Criminal Tribunals*. AKAYESU, Jean Paul (ICTR-96-4). <https://ucr.irmct.org/scasedocs/case/ICTR-96-04#eng>
- International Criminal Tribunal for the former Yugoslavia. (2006, September 27). *Case: IT-00-39-T*. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. <https://www.icty.org/x/cases/krajisnik/tjug/en/kra-jud060927e.pdf>
- International Federation of Red Cross and Red Crescent Societies. (2011, May 3). *Myanmar: Cyclone Nargis 2008 Facts and Figures*. IFRC. <https://www.ifrc.org/en/news-and-media/news-stories/asia-pacific/myanmar/myanmar-cyclone-nargis-2008-facts-and-figures/>
- Junk, J. (2015). Testing Boundaries: Cyclone Nargis in Myanmar and the Scope of R2P. *Global Society*, 30(1), 78-93. <https://doi.org/10.1080/13600826.2015.1092423>
- Keyes, C. (2016). Theravada Buddhism and Buddhist Nationalism: Sri Lanka, Myanmar, Cambodia and Thailand. *The Review of Faith and International Affairs*, 14(4), 41-52. <https://doi.org/10.1080/15570274.2016.1248497>
- Khin, T. (2022, February 1). *Aljazeera*. Retrieved from Justice is the only answer to Myanmar's bloody military reign. <https://www.aljazeera.com/opinions/2022/2/1/justice-is-the-only-answer-to-myanmars-bloody-military-reign>
- Lindblom, A., Marsh, E., Munyan, K., & Motala, T. (2015). *Persecution of the Rohingya Muslims: Is Genocide Occurring in Myanmar's Rakhine State? A Legal Analysis*. Allard K. Lowenstein International Human Rights Clinic, Yale Law School for Fortify Rights.
- Lone, W., Lewis, S., & Slodk, A. (2018, February). Massacre in Myanmar. *Reuters*. <https://www.reuters.com/investigates/special-report/myanmar-rakhine-events/>

- McGowan, W. (2012, September 3). Burma's Buddhist Chauvinism: Violence against the Rohingya reveals a deep-rooted xenophobia. *Wall Street Journal*. <https://www.wsj.com/articles/SB10000872396390443847404577628874147528692>
- Mironova, V., & Sergatskova, E. (2017, September 22). Explore Account Will Former ISIS Fighters Help the Rohingya? Why Calls for a New Jihad Are Falling on Deaf Ears. *Foreign Affairs*. <https://www.foreignaffairs.com/articles/burma-myanmar/2017-09-22/will-former-isis-fighters-help-rohingya>
- Mukherjee, K. (2019). The Ethnic Minority Question and Rohingya Crisis in Contemporary Myanmar. *Journal of Muslim Minority Affairs*, 39(1), 26-43. <https://doi.org/10.1080/13602004.2019.1575021>
- OXFAM International. (2009, April 29). *Myanmar continúa devastada un año después del paso del ciclón Nargis*. <https://www.oxfam.org/es/notas-prensa/myanmar-continua-devastada-un-ano-despues-del-paso-del-ciclon-nargis>
- Parsons, C. (2008, May 7). France urges U.N. council to act on Myanmar cyclone. *Reuters*. <https://www.reuters.com/article/idUSL07810481>
- Radzi, A. (2019). *The Non-Participation of ASEAN Countries in the International Criminal Court: a Constructivist Perspective* (Master's Thesis). Hacettepe University Graduate School of Social Sciences Department of International Relations, Ankara.
- Rael, A. (2021). The International Court of Justice's First Binding Decision to Hold Myanmar Accountable for Committing Genocidal Acts Against the Rohingya Group. *Tulane Journal of International and Comparative Law*, 29, 377-390.
- Routray, B. P. (2020, Spring). The Rohingya Crisis: Refugees and Human Trafficking Networks. *Turkish Policy Quarterly*, 19(1), 85-91.
- Rum, M. (2020, January). The State of Responsibility to Protect Inception in ASEAN Regionalism. *The Indonesian Journal of Southeast Asian Studies*, 3(2), 143-155. <https://doi.org/10.22146/ikat.v3i2.50317>
- Rushing, E. J. (2017, September). How Many Internally Displaced Rohingya Are Trapped Inside Myanmar? *Internal Displacement Monitoring Centre*. <https://www.internal-displacement.org/expert-opinion/how-many-internally-displaced-rohingya-are-trapped-inside-myanmar>
- Sakib, N. (2020, November 24). Rohingya: Gambia files case against Myanmar at ICJ Activists, Bangladesh welcome move as Myanmar urged to comply with orders of international court. *Anadolu Agency*. <https://www.aa.com.tr/en/asia-pacific/rohingya-gambia-files-case-against-myanmar-at-icj/2017828>
- Seekins, D. M. (2008, May 3). The Social, Political and Humanitarian Impact of Burma's Cyclone Nargis. *The Asia-Pacific Journal*, 6(5).
- Southwick, K. (2018). Straining to Prevent the Rohingya Genocide: A Sociology of Law Perspective. *Genocide Studies and Prevention: An International Journal (GSP)*, 12(3), 119-142. <https://doi.org/10.5038/1911-9933.12.3.1572>
- Steinberg, D. I. (2001). *Burma: The State of Myanmar*. Georgetown University Press.

- Strangio, S. (2021, February 2). Myanmar's Coup Was a Chronicle Foretold The Military Brass Never Relinquished Control. *Foreign Affairs*. <https://www.foreignaffairs.com/articles/china/2021-02-01/myanmars-coup-was-chronicle-foretold>
- Tallentire, M. (2007, September 28). The Burma road to ruin. *The Guardian*. <https://www.theguardian.com/world/2007/sep/28/burma.uk>
- Tewson, M. (2016). The Process of Decolonization in Burma: Managing the Transition from Colony to Independent State. *Northumbria University*, 1-47.
- The Constitution of the Union of Burma. (1947). <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/79573/85699/F1436085708/MMR79573.pdf>
- Encyclopaedia Britannica. (2018). Anawrahta. King of Myanmar. *Britannica*. <https://www.britannica.com/biography/Anawrahta>
- Union of Myanmar. (2008). *Constitution of the Republic of the Union of Myanmar*. https://www.constituteproject.org/constitution/Myanmar_2008.pdf?lang=en
- United Nations. (1948, December 9). Convention on the Prevention and Punishment of the Crime of Genocide.
- United Nations. (1993, February 10). *Security Council*. S/25274. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N94/200/60/PDF/N9420060.pdf?OpenElement>
- United Nations. (2017, September 11). UN human rights chief points to 'textbook example of ethnic cleansing' in Myanmar. *UN News*. <https://news.un.org/en/story/2017/09/564622-un-human-rights-chief-points-textbook-example-ethnic-cleansing-myanmar>
- United Nations. (2018, September 18). *United Nations*. UN Fact-Finding Mission releases its full account of massive violations by military in Rakhine, Kachin and Shan States. <https://www.ohchr.org/en/press-releases/2018/09/myanmar-un-fact-finding-mission-releases-its-full-account-massive-violations>
- Wade, F. (2019). *Myanmar's enemy within. Buddhist violence and the making of a Muslim 'other'*. Zed Books Ltd. <http://dx.doi.org/10.5040/9781350297951>
- Wallace, B., Kramer, S. K., & Richman, J. (2013, August 8). As Myanmar Opens Up, A Look Back On A 1988 Uprising. *npr*. <https://www.npr.org/2013/08/08/209919791/as-myanmar-opens-up-a-look-back-on-a-1988-uprising?t=1623696362278>
- Westcott , B., & George, S. (2017, September 13). Buddha would have helped persecuted Rohingya refugees, Dalai Lama says. *CNN*. <https://edition.cnn.com/2017/09/11/asia/rohingya-dalai-lama-myanmar/index.html>