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Seminar course on Regional War and Conflict

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An analysis of the Rohingya Genocide in Myanmar: An Incongruence of the State-To-Nation Balance or The Failure of The Democratic Transition?

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1. Introduction

This paper tries to analyse the allegedly genocide undergoing in the Rakhine province of Myanmar to the detriment of the Rohingyas, a Muslim confessional ethnic group living in the region. The adverb “allegedly” is required, since the international community’s institutions (namely the United Nations) did not defined the mass murders of Rohingya as a genocide, and, therefore, did not call for the application of the provisions of the Geneva Convention on Genocide¹. Although investigating the correct definition of the ethnic cleansing pursued by the Myanmar government is beyond the scope of this paper², it will indeed try to assess the motivations and the reasons of such. First of all, it will review the political evolution undertaken by Myanmar in the recent years, especially in the democratic transition culminated in 2015 with the victory of the National League for Democracy and the designation of the Nobel Prize for Peace Aung San Suu Kyi as State Counsellor. Then, it will give a picture of the situation of the Rohingya minority during the years, and the increasingly deprivation of civil and political rights. Finally, in order to understand the reasons of the oppression of the Muslim minority, it will frame it within the state-to-nation balance paradigm by Benjamin Miller, assessing if the ultimately motivation lies in the mismatch of country’ boundaries and ethnic groups. Within this framework, the dependent variable to be analysed shall be the ethnic cleansing of the Rohingya and the independent variable the democratisation process occurring in Myanmar. The final goal will be to determine the presence of an incongruence in the state-to-nation balance, and to define what type of state should Myanmar be considered.

The paper will also present two alternative explanation applying the Social Constructivist and the Liberal approaches. The Social Constructivism will take into account the notion of identity, following Alexander Wendt’s definition. In particular, it will analyse the process of identity-definition as the construction of *self* in opposition to the *other*, and how religious identity (Muslim or Buddhist) can clash to the point of the eruption of violence. On the other hand, Liberalism will analyse how the Rohingya’s massacre is challenging the uprising democracy in Myanmar and how

¹ United Nations, *Convention on the Prevention and Punishment of the Crime of Genocide*, adopted by Resolution 260 (III) A of the United Nations General Assembly on 9 December 1948.

² The definition of genocide, under article 2 of the Convention, underlines the “intent to destroy, in whole or in part, a national, ethnical, racial or religious group”. This means that the violations of human rights shall have a clear purpose, that is the elimination of a part of the population because of some characteristics. According to the classification of Professor Penny Green of the International State Crime Initiative, the main phases are stigmatisation, harassment, isolation, systematic weakening and mass annihilation. As in the Holocaust, every genocide starts with the propaganda against a targeted group of people, then moves to the negation of the existence of such group, denying civil and political rights, and, at the end, the executions. Such executions can be authorised by law (Nuremberg Laws against the Jews), or be a part of a military plan (the Srebrenica massacre in the former Yugoslavia), or spontaneously carried out by parts of the population (the Rwanda genocide). A genocide can have many motivations, but one of the most significant is the implementation of a belief or an ideology. In this case the goal is to create a pure race or an ideal society, populated by a homogeneous ethnicity, the Buddhist Burmese; in order to achieve such goal, those who do not fit the ideal shall be destroyed. The ultimate result of genocide is the annihilation of the enemy within the state, blamed to jeopardise the predominant group’s purity. There is evidence that proves that the Rohingya persecution is following the five phases identified by Professor Green. Therefore, on a pure legal point of view, the Rohingya’s ethnic cleansing is indeed a genocide. What lacks in such case is the political recognition, both from the state of Myanmar and the international community.

the very existence of democracy as a form of government does not always ensure the respect of human rights.

2. Overview of the Political Evolution of the State of Myanmar

Myanmar (or Burma³) was a former British colony which gained independence in 1948. The struggle for liberation was guided mainly by U Nu⁴, who also became the first Prime Minister of the new state, and Aung San, the father of the activist Aung San Suu Kyi. The revolt against the British and, from the 1940s, the Japanese⁵ was guided by the principles of nationalism and socialism, under the umbrella revolutionary movement of the Anti-Fascist People's Freedom League (AFPFL), that later became the main party of the new-born state. This socialist principle, though, did not lead to an alliance with the nearby Popular Republic of China, even though the latter attempted to pose Myanmar under its sphere of influence. More generally, since World War II, Myanmar, as well as many other Asian nations, had to protect its gained independence while resisting to the "Great Power struggle" in the area. Myanmar successfully avoided inferences from both Western countries and the Chinese and Soviet blocs, through a careful, but rigid, policy of neutralism. Since the 1950s, U Nu co-founded the Movement of the Non-Aligned States, together with Indian Prime Minister Nehru, Indonesian President Sukarno, Yugoslav President Tito and Egyptian President Nasser. U Nu decided to follow a domestic policy that would not antagonise neither Western Powers and Communist countries. Although a certain Western influence was still present in the country up until 1962 (probably a product of colonialism), the government promoted a set of policies aimed at reducing this influence and to balance it with its cultural and economic ties with the Communist world.

In the 1960s, huge changes happened in the country: in 1958 the army Chief of Staff General Ne Win split from the ruling AFPFL party guided by U Nu. Although in 1960 U Nu's faction largely won the elections, his policies started to be unappreciated by the military, in particular the promotion of Buddhism as the state religion and his tolerance towards separatism. The anger of the military resulted in a coup d'état led by General Ne Win in 1962 and the instauration of an

³ In 1989 the military party State Law and Order Restoration Council changed the official British name "Union of Burma" to "Union of Myanmar". Also, the capital, Rangoon, became Yangon. The change was based on political reasons, more than linguistic ones. In fact, there are two words to indicate the country: *Myanma* which is the name of the country in a higher register, and *Bama* which is used more in the spoken language. Both names come from the endonym of the largest ethnic group, the *Bamar* people, also known as *Mranma/Myanma* in the literary register, and *Burmese* in the spoken register. Therefore, it is possible to argue that the *ratio* of the change lied in the will of giving a higher status to the country, using the literary name instead than the spoken one. Most likely, though, the reason was to break with the colonial tradition, while keeping a strong attachment to the local heritage.

⁴ U Nu was President of the Union of Burma from 4 January 1948 to 12 June 1956, then again from 28 February 1957 to 28 October 1958, and from 4 April 1960 to 2 March 1962.

⁵ Myanmar was controlled by both British and Japanese from 1940 until its official independence. In 1943, Japan declared nominal independence for Myanmar, but put it *de facto* under a regime led by Ba Maw, with U Nu as foreign minister.

autocratic regime, ruled by a military junta. In 1974 a new Constitution was adopted, transferring power from the armed forces to a People's Assembly headed by Ne Win and other former military leaders. Ne Win revolutionised the country, abolishing the federal system and starting "the Burmese Way to Socialism". The latter was a compounded set of policies aimed at hegemonizing the country under the principles of socialism and nationalism. The programme entailed nationalisation of the economy⁶, the formation of a single-party state with the Socialist Programme Party as the sole political party, the repression of dissent, and the creation of a national identity. The latter, also called "Burmanisation", was indeed a process of ethnic, cultural, religious, and linguistic assimilation that lasted until the 1990s. Under the principle of creating a Burmese identity, the teaching of English was subject to huge limitations, as well as the granting of visas towards the United Kingdom; many Chinese workers were fired and replaced with Burmese, and a harsh propaganda against minority groups was started, under the slogan "Ethnicity cannot be fabricated", meaning that all strangers to Burmese identity should have been isolated from the society. The unstated assumption of the Burmanisation process was that the minority peoples were an obstacle to national development, that their belligerence posed a subversive danger to the nation, and that their religious diversity undermined the true Burmese Buddhist identity. Christians, Karen, Rohingya and many other religious and ethnic minority suffered civil and physical repressions in light of the "assimilation" process. The climax was reached in 1982, when the government enacted the Burmese Nationality Law, denying the Rohingya people citizenship, rendering them *de facto* stateless.

Despite the attempt to build a common identity ostracising minority groups, the military government's policies were indeed driven by restriction of fundamental liberties and civil rights towards the entire population. This resulted in riots against the government in 1988, which were harshly repressed by the military. The same year, the State Law and Order Restoration Council (SLORC) was formed, and in 1989 it declared martial law, and started a major wave of arrests, including advocates of democracy and human rights. Among the others, the National League for Democracy's leader Aung San Suu Kyi, daughter of Aung San, was put under house arrest. She will remain under arrest, with some discontinuities⁷, until 2010, year of her final liberation. Even the popular legitimacy given by the victory of the NLD in the 1990 elections did not permit her to take power, on the contrary this fact harshened the repression of the government towards the opposition. A sign of opening will not come until 2003, when Khin Nyunt is appointed Prime

⁶ Under the "Enterprise Nationalization Law" all major industries were nationalized on June 1, 1963. This entailed also the expropriation of Western and Indian industries present on the territory. See more at: Robert Holmes, *Burmese Domestic Policy: The Politics of Burmanization*, Asian Survey, Vol. 7, No. 3, 1967, pp. 188-197

⁷ In 1995, Aung San Suu Kyi was released after six years of house arrest. In 1996 she could attend her first NLD congress since her release. In that occasion SLORC arrested more than 200 delegates. In 2002, after clashes between governmental forces and NLD members, Aung San Suu Kyi is taken into "protective custody", *de facto* house arrest. Aung San Suu Kyi received the Nobel Prize for Peace in 1991.

Minister. He proposed to draft a new Constitution as a “road map” to democracy. The convention for drafting the Constitution started in 2004, even though NLD boycotted it. In October of the same year Khin Nyut was replaced as Prime Minister and placed under house arrest, posing an end to a light attempt of democratisation *top-down*. Over this entire time span, rebellion against the government have erupted periodically, marking Myanmar’s government as the “world’s longest-running civil conflicts”⁸; in 2007 also Buddhist monks, one of the most influence group in Myanmar, started a series of anti-government protests. In the same period, numerous international organisations started to raise awareness on the violations of human rights happening in Myanmar and called upon the government to end persecutions towards minorities and opposition groups⁹. Despite international pressure, the hate did not stop and, after a series of bomb blasts throughout the country, the government and the media indicated the rebels belonging to the Karen people as responsible¹⁰. In addition, in 2009, the Muslim Rohingya minority, who had been fleeing to neighbouring countries seeking for political asylum, was forbid to enter Thailand.

In 2008 the government presented the draft of the new Constitution, which included a provision forbidding holders of a double citizenship to be eligible to run as President of Myanmar. This provision was meant to exclude Aung San Suu Kyi, who was married to an English professor, to legit gain the power. The referendum on the Constitution allegedly received 92% of votes in favour. The 2010 elections, boycotted by NLD, were won by the military-backed party, the Union Solidarity and Development Party (USDP). According to the military junta, this was the beginning of the transition from military rule to a liberal democracy, despite the opposition’s claim of fraud elections. Later, in April 2012, partly-free elections were held and this time NLD participated to the polls. Following a general opening to democracy, some steps towards human rights were made: in 2012 the government order a ceasefire with the rebels from the Karen and the Shan ethnic groups. In addition, in August of the same year, President Thein Sein created a committee of investigation on the violent events between Rakhine Buddhists and Rohingya Muslims. No concrete results were reached and the conflict harshen even more in November, when even the US President Barack Obama called upon the Myanmar government to stop repressions towards the Muslim minority and instated economic sanctions (then renewed them in 2014). Despite the intervention of US, in 2015 the government, under the pressure of a Buddhist monks’ protests, declined voting rights to Muslim Rohingyas.

⁸ Definition from the BBC, *Burma President Thein Sein meets Karen rebels*, 7 April 2012

⁹ In 2007 the UN Resolution of the Security Council urging Myanmar to end civil liberties and human rights violations was blocked by a veto of China and Russia; the Resolution passed in October, after a huge peaceful protest was repressed by the military. The same year, the International Committee of the Red Cross called upon the Myanmar government and the world civil and political society to stop abuses on Myanmar’s population. This fact represented a novelty in the normal stance of the institution, which usually stand for neutrality in domestic matters. In 2006, the European Union posed economic sanctions on Myanmar, and extended them in 2009, with the clause of annulling them in case of some process towards the process of democratisation.

¹⁰ Federico Saracini, *Myanmar: la tragedia dei Karen*, Limes Online, 28 September 2007

The final steps of the “road to democracy” happened in November 2015, when elections were won by the NLD, that gained enough seats by itself to form a government. In March Htin Kywan was appointed as President and Aung San Suu Kyi -freed in 2012- as the Ministry of Foreign Affairs, of Education, and of Electric Power and Energy and of the President’s Office. Later she kept only the Ministry of Foreign Affairs and she was appointed State Counsellor, becoming the *de facto* ruler of the state of Myanmar after 50 years of military regime.

3. The Rohingyas: The “Hidden Genocide” ¹¹

The Rohingya people are a minority that lives in the State of Myanmar, the Rakhine (or Arakan) region¹². They are an Indo-Aryan population speaking a local language, and they are Muslim. This minority now account for one in seven of the global population of stateless people¹³. Out of the 1,5 million Rohingya people living in Rakhine and in other countries of southeast Asia, only 82 000 gained the status of refugees, as established by UN Convention¹⁴and benefit, therefore, of legal protection. This is due to their stateless status, since the government of Myanmar does not acknowledge their existence: in fact, Rohingyas are not listed in the 135 recognised ethnic groups. So far, the official stance of the Myanmar government has been that the Rohingyas are illegal Bengali immigrants who migrated into the Rakhine region after Myanmar’s independence and, mainly, after the Bangladesh Liberation War in 1971. Their view was also endorsed by the analysis of language pursued by Buchan who, in his article *A Comparative Vocabulary of Some of the Languages Spoken in the Burma Empire* refers to the “Mahommedans settled at Arakan” and to “Bengal Hindus”¹⁵. Some have argued that he was reporting a name describing labourers visiting Burma from neighbouring Bengal. This study gave further legitimation for the Myanmar government to refuse to use the term Rohingya as a native population of Myanmar.¹⁶

This stance, though, it is debatable, when looking at historical facts. The region of Rakhine, before being part of Myanmar, was inhabited by an ethnic group speaking an Indo-Aryan language since

¹¹ The definition of “hidden genocide” comes from the analysis by Azeem Ibrahim in his book “The Rohingyas: Inside Myanmar’s Hidden Genocide”, 2016

¹² Myanmar is a multi-ethnic state; the major ethnic groups are: Burman (68%), Shan (9%), Karen (7%), Rohingya (4%), Chinese (3%), Indian (2%), Mon (2%), Rohingya (2%).

¹³ Mahmood Syed S., Emily Wroe, Arlan Fuller, Jennifer Leaning, *The Rohingya people of Myanmar: health, human rights, and identity*, Department of Medicine, Massachusetts General Hospital, Harvard Medical School, Boston, MA, USA, 12 December 2016

¹⁴ United Nations, *Convention Relating to the Status of Refugee*, 1951; in *Resolution 2198 (XXI)* adopted by the United Nations General Assembly, 16 December 1966

¹⁵ Buchan was referring to the self-definition of the various regions in the different dialects present in Myanmar. In fact, in Myanmar, there are four versions of the official language: the Burma Proper, that of Arakan, that of the Yo, and that of Tenasserim. See more at: Francis Buchan, *A Comparative Vocabulary of Some of the Languages Spoken in the Burma Empire*, Asiatic Researches 5, 1799, pp. 219-240; in: *Early Articles Reprint*, SOAS Bulletin of Burma Research, Vol. 1, No. 1, 2003

¹⁶ Even in 2015, the Myanmar government declared to be unwilling to discuss in an international conference the Rohingya issue if the term Rohingya was used.

3000 BC: this group was indeed what is now known as the Rohingya people. In 1000 AD they adopted Islam and in 1300 AD Rakhine was multi-religious, hosting Hinduist, Buddhist and Muslims. All of these evidences assess the presence of Rohingya in Rakhine before the Burmese invasion of 1784¹⁷. Then, in 1826 during the First Anglo-Burmese War, Britain annexed the region of Arakan or Rakhine. The war continued for two more years and, by 1886, all Myanmar was ruled by the British. In 1937 it was granted the status of colony, following the pre-1824 borders, and later, in 1948, it gained independence. The issue of borders is indeed crucial for the matter, since Buddhist extremists and Burmese nationalists, even nowadays, consider true citizens only people at that time living within these artificial boundaries. Even though their argument is inconsistent with the principles of the United Nations Convention on Citizenship¹⁸, this requirement for citizenship was included in Burma Citizenship Law of 1982. According to the such law, in fact, Myanmar has three categories of citizenship: citizens, associate citizen and naturalized citizen. Citizens are descendants of residents within Myanmar's boundaries prior to 1824. Associate citizens acquired citizenship through the 1948 Union Citizenship Act. Naturalized citizens are people who applied for citizenship after 1982, but still were living in Myanmar before 4 January 1948. According to the government, Rohingyas fell under no one of these categories, hence, they were retained illegal immigrant coming from Bangladesh, although, after Burma's independence, some Rohingya were granted national registration cards and provided with legal status.

Even though they have suffered from repression even under the British rule and the Japanese occupation -leading to the first Rakhine revolt in the 1950s-, the situation of the Rohingyas worsen after the military coup, and their civil and political rights were progressively eroded. A part from the citizenship denial, in 1974 passive electorate for Rohingya was forbidden, and in 2015 also the active electorate. In addition, various episodes of violence have been assessed during the years to the detriment of the Rohingya people: the population of Rakhine has often used them as a scapegoat, legitimated by the process of "Burmanisation" and the general perception of Muslim as a threat for the true Burmese identity¹⁹. The main antagonist of Rohingya war (and still is) the Buddhist clergy. In particular, the movement has carried a strong anti-Rohingya propaganda, is the "969 group", led by the monk Ashin Wirathu. The leader of this group was even jailed in 2003 with the charge of inciting religious hatred. He was then released in 2012 and, in a speech given in that occasion, he defined himself with the awkward name of "the Burmese Bin Laden". The ethnic hate generated the birth of resistance groups, even if not very effective, some of them in an Islamist spirit: it is the case of Rohingya Liberation Party, founded on July 1972 by the former mujahedeen Zaffar Kawal, and

¹⁷ The former Arakan State Kingdom was conquered by Burma in 1784. It was later renamed Rakhine State in 1989.

¹⁸ United Nations, *Situation of Human Rights in Myanmar*, New York, 2013.

¹⁹ The case of Rohingyas, though, it is peculiar. During the democratic period (1948-1962), some other Muslim ethnicities were granted fully citizenships, while Rohingyas were always defined as indigenous.

the Rohingya Patriotic Front, born from the remains of the RLP in 1974²⁰. Later, the groups became even more radical and Muhammad Yunus, former Secretary General of the RPF, founded the Rohingya Solidarity Organisation, a fundamentalist Islamic movement endorsed by other Islamist organisation in the nearby countries²¹. The support of these groups -and of the civil society- was indeed the only one granted to Rohingya by the neighbouring Muslim countries, who did not engage in any attempt to free their brothers Myanmar. A part from the numerous episode of violence and retaliations, the *climax* was reached with the brutal uprising of 2012: the clashes between Rakhine Buddhists and Rohingya Muslims in June and October killed at more than 200 people and displaced around 140,000 people²². Violence, coming both from the army and from the Buddhist population of Rakhine, did not stop with the transition to democracy. Indeed, on June 23, 2016, a crowd demolished a mosque and a Muslim cemetery in a village in Bago Region, allegedly as a retaliation for a personal dispute²³. In addition to this symbolic gesture, in late 2016 the military forces and Buddhist extremist started a systematic attack in Rohingya villages throughout the entire territory of Rakhine. The escalation of violence resulted in violations of human rights by security forces, including extrajudicial killing, mass rapes, arson and house destruction²⁴. These events made the international community question on the effectiveness of the democratic regime guided by the Nobel Prize Aung San Suu Kyi, who never admitted the ethnic motive of the attacks, nor ever used the words “ethnic cleansing”, “genocide”, or even “Rohingya”.

Nowadays, the Rohingya people live in refugee camps both within the Rakhine region and at the border with Thailand. More than 300,000 Rohingya live outside Myanmar, mainly in Bangladesh, Malaysia, India, Thailand, and Indonesia. None of these countries is a party to the 1951 Convention Relating to the Status of Refugees, that makes their asylum requests very difficult to be fulfilled. For instance, Bangladesh, which hosts the largest number of Rohingya displaced people, ceased granting them the status of refugee after a 1992 refolement agreement with Myanmar²⁵.

The Rohingya people were defined the “most persecuted minority in the world”²⁶. The Human Rights Watch and several NGOs advocating human rights (such as Amnesty International), have

²⁰ Mujahideen separatist movements already existed in the time span from independence until 1970. The North Arakan Muslim League asked for secession and the annexation to Pakistan. The government used an iron hand over these movement, establishing martial law and sending ground troops in the region of Arakan (1948/49). During the 1950s, the Tatmadaw (Myanmar Armed Forces) launched a series of military operation targeting the remaining mujahideen. These first movements lacked support from the local population, while the Islamist groups of the 1970s gained more appreciation. See more at: Moshe Yegar, *Between integration and secession: The Muslim communities of the Southern Philippines, Southern Thailand, and Western Burma/Myanmar*, Lexington Books, 2002; and M. Yegar, *Muslims of Burma: A Study on a Minority Group*, Otto Harrassowitz, Wiesbaden, 1972

²¹ Among the others: Jamaat-al-Islami in Bangladesh and Pakistan, Hizb-al-Islami in Afghanistan, Hizb-ul-Mujahedein in Kashmir and the Islamic Youth Organisation of Malaysia.

²² Myanmar Times, *Dozens of Rohingya missing following boat capsizing*, 4 November, 2013

²³ New York Times, *Mob Burns Down Mosque in Myanmar; U.N Urges Action on Attack*, 2 July 2016

²⁴ James Griffiths, *Is The Lady Listening? Aung San Suu Kyi Accused of Ignoring Myanmar's Muslims*, CNN News, 25 November 2016

²⁵ Op. cit. 11

²⁶ The Economist, *The Rohingyas: The most persecuted people on Earth?* 13 June 2015, Retrieved 15 August 2016; and before: UNHCR Press, *Myanmar, Bangladesh leaders 'to discuss Rohingya'*. Agence France Presse, 25 June 2012

issued documents on the systematic ethnic cleansing happening in the Rakhine state. The United Nations tried to launch a campaign to sustain the Rohingya's cause in 2014. On May 2015, the UN Secretary General Ban Ki-Moon warned of the humanitarian crisis involving the Rohingya people of Myanmar. He did not use the word "genocide", even though many NGOs and even UN agencies have started to refer to the Rohingya's issues as such. Many commenters, including Azeem Ibrahim define the Rohingya's ethnic cleansing an "hidden genocide", underlining the lack of international community in giving a proper definition to the massacre. Indeed, they stress the burden of Western liberal powers in pushing Myanmar in recognising it as a genocide and, therefore, invoke the international provisions for the protection of the minority at risk.

4. Applying the State-To-Nation Balance to The Rohingya's Issue

The main purpose of the state-to-nation balance is to find the causes of war or peace analysing both regional and global factors. This represents a novelty within the general understanding of International Relations' theories, that are mainly based on the role of international actors, namely the states. Indeed, over the years, there has been an increased focus on the role of non-state actors, being them NGOs, civil society or armed groups²⁷. Although, there was no comprehensive approach that takes into account the role of minorities within the territory of state. The state-to-nation balance indeed frame the Rohingya's issue as a mismatch between country's boundaries and ethnic groups within such boundaries. Before considering incongruences in this balance, it is useful to define the concepts of *state* and *nation*. A state is intended as a set of institutions that control a territory with fix boundaries. Such institutions provide some key functions and services to the population, among the others, security and borders' stability. Moreover, state holds the "monopoly of the means of violence", as defined by Max Weber, and the control over such means is indeed a variable to assess the degree of functioning of the state itself²⁸. Thus, the extend of the control over the means of violence defines an entity as a well-functioning state (*strong*) or a bad-functioning states (*weak*). Going even further, there exists also *failed states*, where the institutions are not able to control what it is happening within their boundaries.

Note that in the definition of *state*, elements such as loyalty or affiliation are not taken into account. Identity indeed is not a relevant factor to frame sovereignty over a territory, nor the well-functioning of the state's institutions. Indeed, very often it is not easy to assess national identity or

²⁷ In the 50s, the International Society Perspective, using the Grotian approach, was the first theory to set the focus on the non-state actors. This practice will be improved by the followers of the Social Constructivist.

²⁸ Other factors that determine a proper functioning of a state are of course the level of GDP, the ability to collect taxes, the degree of corruption and many more related to the welfare of the citizens.

affiliation within the territory of a state: there exists states embracing a heterogenous population who hold multiple identities (in our case: minority in Myanmar hold a national identity as citizens of Myanmar but a religious identity which is transnational). These factors become crucial when it comes to define a *nation*. A nation is indeed a group of people sharing a set of attributes that gather together and decide to gain political control a territory due to historical, ethnographic, cultural, heritage or religious motivations. This group of people is bounded by a strong sense of affiliation, that determines their identity as member of the nation. Although, despite their self-perception, there are two different schools of thought about how is entitled to be defined citizens of a nation. The first one is the *Civic nationalism*, in which citizens are people born on that territory or fled there. The second one is the *Ethnic nationalism*: here the membership to a nation is defined on ethnic, religious, linguistic basis, therefore excluding certain parts of the population. For what concerns Myanmar, the military junta had adopted a clear policy based on Ethnic nationalism, establishing by law the requirement of ethnicity -even if not exactly in this terms-, and therefore excluding certain minorities from the definition of citizenship. Regarding the Rohingyas, a strategy of exclusion from the nation has been carried on since the Burmese Citizenship Law, and such was sharpened by the hatred rhetoric of Buddhist monks. Therefore, state and nation clearly do not match, as the state's boundaries include areas inhabited by a part of the population that is not considered part of the nation.

Indeed, in the book *States, Regions and Great Powers*, Benjamin Miller describes the dimensions of the balance: the “hardware”, referring to the presence of weak or strong states, and the “software” meaning the degree of congruence between state boundaries and national identification. Applying his framework to Myanmar we obtain:

1. *Strength of the state/State-building success*: in the four years, Myanmar has experienced the so-called “Burmese Spring”²⁹, a transition process from a military autocracy to a democratic state. Although, the effectiveness of this democracy has been questioned by scholars, both from an ideological point of view -the very concept of democracy is intrinsically related to human rights, and those, as will later be analysed, are not fully respected in nowadays Myanmar-, and from a more practical point of view, namely the actual power embraced by the democratic institutions. After the 2015 elections, the NLD gained the majority of seats in Parliament and was able to form a government, although there was no change in the Ministries of defence and internal affairs, which are still controlled by the military. Indeed, most of the persecutions to the detriment of the Rohingya minority are perpetrated by the armed forces, but not under an order of systematic mass murder originated from the

²⁹ Marco Bünthe, *Myanmar's Protracted Transition: Arenas, Actors, and Outcomes*, Asian Survey, Vol. 56, n° 2, p. 369

Cabinet. Although, as Rafendi Djamin, Amnesty International's Director for Southeast Asia and the Pacific, stressed in a press release on December 2016: "While the military is directly responsible for the violations, Aung San Suu Kyi has failed to live up to both her political and moral responsibility to try to stop and condemn what is unfolding in Rakhine state."³⁰ Of course, there is room for debate about the reasons of the non-intervention of the government, if it is being *unable* or *unwilling*. Although, agreeing on its unwillingness would jeopardise the entire democratisation process, since a country cannot initiate such path without a clear and sound stance in favour of universal human rights. Therefore, the state, as set of institutions, and the representatives of such institutions have failed in controlling part of itself, allowing, as a result, a systematic campaign of violence. According to Benjamin Miller, the definition of weak states are states that "lack effective institutions and resources to implement their policies and fulfil key state functions. Most notably, they lack effective control over the means of violence in their territory and an effective law-enforcement system. Weak states thus face difficulties maintaining law and order and providing security in their territory."³¹ Considering just the issue of Rohingya, and leaving all other key state functions fulfilment, Myanmar can be considered with no doubt a weak state. This therefore implies that the state-building process is not successful.

2. *Degree of congruence/Nation-building success*: considering congruence as the ratio between boundaries and national identities, Myanmar's case presents a clear internal incongruence. Quoting Benjamin Miller: "High congruence means that the regional states, as entities or sets of institutions administering certain territories, reflect the national self-determination sentiments of the peoples in the region, that is, their aspirations to live as national communities in their own states. High congruence thus means that there is a strong identification of the peoples in the region with existing states, and that they accept these states' existing boundaries."³² In the Myanmar case, within the territory of the state, there exist indeed two perceived identity, the one of the majority -namely the Burmese-, and the one of minorities, including more than one hundred ethnic groups³³. Among these latter, Rohingya are perceived as a threat, not just because minority but because Muslim. Indeed, in this case, the threat comes from the diversity of religion, in addition with a mismatch with boundaries and state affiliation. Myanmar has a very diverse population, but it had

³⁰ Amnesty International, *Myanmar: Security Forces Target Rohingya During Vicious Rakhine Scorched-Earth Campaign*, 19 December 2016.

³¹ Benjamin Miller, *States, Regions and Great Powers*, Cambridge University Press, 2015, p. 54

³² *Ivi*, p. 55

³³ The Burmese government enlisted 135 ethnic minorities in an officially recognised record. Myanmar is indeed a multi-ethnic state, where the major ethnic groups are Bamar (the majority), Chin, Kachin, Kavin, Kayah, Mon, Rakhine and Shan. The Rakhine group identify the population of the Rakhine/Arakan region, without including the Rohingya.

compromised with most of the minorities, with the notable exception of Karen and, even tougher, the Rohingya. On the other side, even though Rohingya's attempts to secede or to self-determine were never enough strong to enable the birth of an independent movement, there has always been a strong alternative identity that clashes with the Burmese ones. The very fact that the main actors in the struggle for respecting human and civil rights in Rakhine are jihadist groups underline the strong linkage between the Rohingya and the Islamic culture, in contrast with the widespread perception of Buddhism as the religious foundation of the Burmese identity. It is no accident that the rhetoric of both the military and the Buddhist clergy points the Rohingya as illegal immigrants from Muslim countries. In this way, they aim at stigmatise and isolate this sector of the population, considered not part of the nation.

The combination of the two elements gives the outcome on the regional stability. Failures in the nation-building process, combined with the presence of a strong state form an irredentist state that tend to have revisionist territorial claims with its neighbours, thus the overall regional situation suffer from borders conflict, even though every secessionist attempt is immediately repressed by the central government. Whereas the same lack of national congruence combined with a weak state gives back an incoherent or even failed state, that it is not able to control its borders, nor the secessionist movements within those borders. Its extreme internal instability cause instability also at a regional level, encouraging the intervention of neighbouring states "out of fear (status quo states) or nationalist-territorial greed (revisionist states)".³⁴

Acknowledging Myanmar as holding an internal incongruence, in order to assess its relations with its neighbours, it is notable to consider separately the military junta and the democratic government post 2012, as stated before. Thus, the military junta, being an autocratic form of government, shall be considered a strong state. It was indeed capable of repressing all non-aligned movement and it succeeded in isolating the Rohingya minority and to deprive it of their civil and political rights. For what concern the involvement of the other countries, the Muslim Bangladesh did not attempt to support its Muslim brothers engaging in conflict with the state of Myanmar and Thailand simply accepted Rohingya refugee without any intervention within the boundaries of the neighbouring country. The situation slightly changed with the democratic transition lead by NLD. Even after the victory at the elections, the control of the party over all branches of government did not succeeded, and the defence power is still in the hands of the military. This means that the democratic government does not hold control over its own territory: there is evidence of hostilities

³⁴ Op. cit. 31, p. 59

and conflict erupting in Rakhine even nowadays, mainly perpetrated by the army. Thus, actual Myanmar has two different centre of authority, the NLD government and the army. That marks it as a weak state, showing that democracy itself it is not a guarantee for state stability. Within this framework, it is easier to understand also the behaviour of neighbouring countries, in particular the step back of Thailand with the regard to Rohingya refugees. Indeed “Weak and incongruent states also “export instabilities” to neighbouring states. Thus, domestic attempts to secession and border changes are likely to “spill over” and involve a number of regional states. Such spillovers may occur through a migration of refugees who seek shelter in neighbouring states from the instability and turmoil within the incoherent state, or by the incoherent state hosting armed groups with secessionist or irredentist claims, which infiltrate into adjacent states.”³⁵ Thus, Bangladesh’s fear (and more recently also Thailand’s) is that the flows of refugees would bring along also terrorist elements, or more generally jeopardise their already delicate internal equilibrium. This fear increased with the rise of Islamist Rohingya Liberation Movements, but it does not extinguish with that. Despite the internal open conflict, Myanmar and its neighbours are not engaged in military operation. The tensions present in the area create an environment of cold war; of course, there is a future possibility of direct confrontation but the democratisation process, according to the Liberal theory, should make it more and more unlikely.

In conclusion, the state-to-nation balance provides with an explanation of the mass extermination of Rohingya in the Rakhine region on the basis of the strength of the state and the national affiliation. The approach also describes the interaction of the neighbouring countries and gives a picture of the instability of the region. Although, no theory can explain every aspect of regional war or peace. Therefore, in order to analyse more deeply some facts about the Rohingya issues that remained unclear within this framework, this paper will also briefly provide two concurrent explanations.

5. Concurrent Theoretical Explanations

a. The Constructivist Approach: The Role of Identity in a Holy War

Another theoretical framework that could explain the Rohingya’s massacre in Myanmar is the Social Constructivism, a theory that aims at describing political events as originated by cognitive and cultural factors. More specifically, the approach followed by Alexander Wendt³⁶.

³⁵ Op. cit. 31, p. 60

³⁶ Alexander Wendt, *Anarchy is what States Make of it: The Social Construction of Power Politics*, International Organization, Vol. 46, No. 2 (Spring, 1992), pp. 391-425

Generally speaking, Constructivism underlines the importance of the role of ideas. Its major assumptions are the importance of normative over material structures, the role of identity in shaping political actions, the mutually constitutive influence between agents and structures. The key factor to be considered is therefore identity, more specifically in this case, religious identity. Applying this framework, the conflict in Rakhine can be defined as a Holy War, where religion is considered as a social construction causing clashes among the two different groups of believers, the Buddhists and the Muslims. Taking a closer look to the concept of identity, which is defined as a social norm³⁷, Wendt describes three different kinds of that: corporate, social and collective. The latter leads to “identification” of the *self with the other* entails the welfare of the *other* as part of that of the *self* and thus behave altruistically: it applies with members of the same groups, who shares a certain set of value. When talking about IR, the collective identity is part of the process of the nation-building: people identify with each other as part of the state, they share a common identity, which is defined as citizenship. In Myanmar’s case, this process happened mainly *top-down* through the policy of Burmanization and the definition of Buddhism as the state religion. Although, Wendt’s second type of identity, the social one, is the one dealing with conflicting behaviours. Social identity entails identification of the *self against the other*, thus it is reinforced through the clash with the ones who hold a counter-identity. In the case of Myanmar, Burmese Buddhists strengthen their *self*-definition facing believers of a different religion, Islam. Stressing the diversities, they can better understand and appreciate their identity. The movement of Buddhist monks, 969, plays exactly on this rhetoric: destroy the Muslim Rohingya, the *other*, before they can damage the true Burmese identity. Moreover, according Wendt, the step from *identification of the self against the other* to violence against the Other can be explained considering indeed anarchy as social construction. Social actors interact with other states on the basis of the perceptions: they are enemies in the Hobbesian anarchy culture, rivals in the Lockean and friends in the Kantian one. Following the Lockean culture, Buddhist and Muslims can be considered rivals, meaning that the religious identities are constructed on the opposition between *self* and *other*. Under the Hobbesian culture, the rivalry between actors becomes open war, where the two identities perceived each other as enemies do not recognise to the others the right to exist. The Hobbesian approach defines indeed the concept of a Holy War. Myanmar’s history of repression towards the Muslim minority could fit into the definition of Holy War and clashes of religious identity, considering in particular the ethnic-based propaganda of the Buddhist monks and the rise of Islamist movements following the pattern of the nearby Pakistani mujahedeen. The identity-making process, namely the Burmanisation, was aimed at excluding other religion from the society and the deprivation of Rohingyas of civil and political rights suits perfectly Wendt’s approach. Although, the application of Social Constructivism

³⁷ Social norm is not a legal obligation but a social construction, namely an expectation of a certain behaviour from an actor.

is a mere exercise in style, as it does not take into account economic and political factors. Moreover, despite its accuracy in assessing the importance of identity and identity-making process, it fails to consider why other Muslim Burmese did not suffer the same repression as the Rohingya. In conclusion, Wendt's theory can indeed help in understanding the impact of religion and the religious identity within the clashes between a minority and a majority, but his approach leaves too many factors aside in order to be claimed solid.

b. Challenges to Liberal Order: The Relation Between Democracy and Human Rights Protection

Democracy is always linked to the respect of human, civil and political rights of the individual. Indeed, it is considered to be the only form of government that can guarantee the protection of fundamental liberties and to ensure equality among all citizens. The reason why these concepts are so strongly related can be found in De Mesquita et. al.'s explanation: "The significance of democracy as a way to promote respect for human rights resides in the fact that it offers the promise of providing short-term strategic guidance for reformers and policy makers."³⁸ Democracy indeed should give the guideline for the creation of policies aimed at build integrated society. Of course the concept of democracy entails many other variable, such as welfare state, rule of law, etc., but the respect for the integrity of an individual is still one of the most important element in the definition of this form of government. Thus, moving on from the formal definition, in reality this linkage often reneges. Democratisation process not always lead to respect of human rights. Although, it is crucial to distinguish whether the violation of these rights happens rarely, in a context of *extra-iure*, or it is so frequently that it is not perceived as unlawful anymore. An example of the first case is the episode of the Diaz School in Italy, during the demonstrations against the G8 in 2001. Amnesty International defined that as the as "the most serious suspension of democratic rights in a western country since the second world war" and the European Council sanctioned Italy for lacking the crime of torture in its legal system. Italy can be considered a democracy, and still violations of human rights happened, although events of such magnitude are isolated and unanimously condemned by both the population and the political leader. Different is the case of a systematic and structured repression of one group's right, especially if that is justified under a system of values or an ideology. In Myanmar, evidences show that what is happening to Rohingya is not limited nor in time nor in space, and it has a precisely justification, in the name of the Burmese identity. Despite the allegations of genocide, Myanmar has undertaken a path of democratisation. Indeed, since the

³⁸ Op. cit. p. 439

inauguration of President Thein Sein in March 2011, the government has approved a series of significant reforms aimed at heal the years of the repressive military regime. The President, in his first years in office released political prisoners, ended press censorship, and enacted new laws to broaden civil liberties and political freedoms. This opening permitted the opposition leader Aung San Suu Kyi to return in her country and even to participate to the relatively fair elections of April 2012, that marked the victory of NLD. The government formed by her party continued on the path towards democracy, engaging also in diplomatic relations with the representatives of the global liberal order, such as the US President Obama and the Presidents of European Union's institutions. Despite the opening, the NLD, and in particular the leader Aung San Suu Kyi, never admitted those episodes and still avoid using the word Rohingya in the media. Her silence brought questions on her real commitment to democracy, to such extend that the UN Security Council received a letter claiming the Lady's responsibilities in the massacre of Rohingya. The letter was signed by more than two hundred activists, including Archbishop Desmond Tutu, Muhammad Yunus and Malala Yousafzai³⁹. The reasons behind the lack of measures in the Rohingya matter could lie in electoral balances, considering that voters in Myanmar are still mainly Buddhist, in the unwillingness to go against the Buddhist clergy, or in the impossibility to stop the actions of the military. Whether Aung San Suu Kyi's government is unwilling or unable to solve the issue, it still represents a clash with the notion of democracy. Ultimately, the case of Myanmar consists in a challenge to the liberal order as it is conceived on the basis of the US and the EU perspective. Indeed, the liberal order is already been challenged in its different by the decreasing role of the US and the international institutions in the international arena, the global economic crisis, the rise of nationalist movement in the EU, and the establishment of illiberal democracies. Even though, since the end of the Cold War, the world was moving towards more democratic system, although often US used forced to impose democracy. At the same time, UN and its agencies have struggled to maintain the order on international level and very often Security Council and General Assembly's legal instruments have been disregarded. All of these factors have changed the perception and the enforcement of human rights. That explains how countries with relatively fair and free elections are held, still commit severe violations of fundamental rights and liberties, in particular challenging the independence of the judiciary and the freedom of press, like it happens in Turkey and in the Russian Federation. Even though, Myanmar does not fall under the definition of "illiberal democracy", due to the fact that its democratisation process has just started, it surely behaves like one. The lack of adequate response to the Rohingya issue, both from a humanitarian and a civil perspective, define Myanmar as an illiberal state, jeopardising its very democratic transition. Indeed, its failure, and the lack of intervention from

³⁹ Oliver Holmes, *Nobel laureates warn Aung San Suu Kyi over 'ethnic cleansing' of Rohingya*, The Guardian, 30 December 2016

international organisation and Great Powers, are an evidence of how the liberal order build on the hegemony of United States is ending and paving the way for new actors and new principles.

Conclusions

The Rohingya persecution in Myanmar originates from several factors: the mismatch between state boundaries and national affiliation is one of the main explanations. The process of nation-building initiated by the military junta was focused on stressing the importance of the true Burmese identity, isolating and, ultimately, exterminating all possible threat to that identity. The very fact that the Rohingya are Muslims jeopardise the Buddhist-based rhetoric, supported by Buddhist monk, the most powerful lobby in the state of Myanmar. The internal incongruence, combined with a state weakness due to the transition to one form of government to another, could lead to possible spill-overs to other countries, pushing neighbouring Thailand and Bangladesh to disengage from the Rohingya issue, remaining in a situation of cold war at the border with Myanmar. The democratisation process, carried on by the Lady Aung San Suu Kyi and her party, did not indeed brought respect for human rights for what concerns Rohingyas, making the international community doubt on the real effectiveness of the process itself. The lack of protection ultimately characterises

Myanmar as still an illiberal state, underlining how the international liberal order is struggling to maintaining peace all over the world.

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