Myanmar's Citizenship Law as State Crime: A Case for the International Criminal Court

Author(s): Ronan LeeSource: *State Crime Journal*, Vol. 8, No. 2 (2019), pp. 241-279

Published by: Pluto Journals

Stable URL: https://www.jstor.org/stable/10.13169/statecrime.8.2.0241

MYANMAR'S CITIZENSHIP LAW AS STATE CRIME: A CASE FOR THE INTERNATIONAL CRIMINAL COURT

Ronan Lee

Abstract: This article argues that Myanmar's authorities subject the Rohingya to human rights violations that can be accurately described as the crime of apartheid. Myanmar's discriminatory application of its citizenship laws and processes is central to this crime, yet while Myanmar is not a signatory to the Rome Statute of the International Criminal Court, the court's jurisdiction remains limited. However, Myanmar's government has brought this crime to the territory of International Criminal Court (ICC) member state Bangladesh. Because Myanmar's government insists upon Rohingya participation in discriminatory citizenship processes as a precondition of refugee repatriation to Myanmar, this presents the ICC with an opportunity to assert its jurisdiction. While current ICC investigation focusses mostly on alleged crimes committed by the Myanmar military, crimes associated with Myanmar's citizenship processes would likely be the responsibility of Myanmar's civilian government, including State Counsellor Aung San Suu Kyi, making Myanmar's civilian political leaders liable for the first time to ICC prosecution.

Keywords: International Criminal Court; apartheid; citizenship; Myanmar; Rohingya

Introduction

The crimes considered in this article are among the most serious violations of international law – crimes against humanity – and many are currently the subject of extensive ICC investigation. The victims are among Myanmar's[1] Rohingya minority, while the alleged perpetrators are overwhelmingly to be found among the Myanmar military and government, the institutions that enabled and encouraged the criminality. If state crime as Green and Ward (2004: 2) suggest is, "state organisational deviance involving the violation of human rights", then the overwhelming evidence indicates the Rohingya are victims of state crime by Myanmar's authorities on an appalling scale.

The Rohingya have been persecuted by Myanmar's authorities for decades, are today collectively denied citizenship rights, and are routinely subjected to

Ronan Lee, visiting scholar, Queen Mary University of London, International State Crime Initiative.

Produced and distributed by Pluto Journals www.plutojournals.com/scj/

restrictions on their freedom of movement, access to healthcare and education, livelihood opportunities, and on their ability to marry and have children (Amnesty International 2016, 2017; Green, MacManus and de la Cour Venning 2015; Lee 2014; Médecins Sans Frontières-Holland 2002; Physicians for Human Rights 2016). On a number of occasions during recent decades (1978, 1991/92, 2016, 2017) violence against Rohingya civilians by Myanmar's military led to large-scale forced migrations to Bangladesh (Amnesty International 1992; Corr 2016; Human Rights Watch 2000; UN Human Rights Council 2018). There have been numerous reports by human rights groups, humanitarian organisations, and UN bodies that have described the Myanmar authorities' mistreatment of the Rohingya in damning terms (Amnesty International 1992, 1997, 2016, 2017; Human Rights Watch 2000, 2012, 2013; UN Human Rights Council 2018; UN Office of the High Commissioner of Human Rights 2019). Amnesty International (AI) (2017) described the Rohingya's long-term situation within Myanmar as apartheid, while researchers at the International State Crime Initiative (ISCI) explain how official mistreatment of the Rohingya amounts to genocide (Green, MacManus and de la Cour Venning 2015, 2018). Central to the Rohingya's plight is their collective lack of Myanmar citizenship rights and consequent discrimination and rights restrictions associated with this.

During August 2017, Myanmar's military, known as the *Tatmadaw*, launched a "clearance operation" in the country's northern Rakhine state. With a pretext of seeking out members of a recently emerged Muslim militant group, the *Tatmadaw* indiscriminately brutalised civilian members of the Rohingya Muslim community in an operation characterised by war crimes, crimes against humanity, and genocidal intent (UN Human Rights Council 2018). The resultant forced migration, the largest in the region since the Second World War, caused more than 700,000 Rohingya to flee Myanmar for Bangladesh. This crackdown, which included the razing of hundreds of Rohingya villages, was described by United Nation's High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, as an "example of ethnic cleansing" (UN News 2017). Appalling violence and discrimination by Myanmar's government and military against the Rohingya is not new and has been a regular feature of Rohingya life in Myanmar for decades (Human Rights Watch 2012, 2013). However, the scale and brutality of the acts that contributed to the 2017 forced migration drew global attention to the Rohingya's situation in Myanmar and led to calls for United Nations (UN) action to prevent further victimisation of Rohingya civilians (Human Rights Watch 2018; OHCHR 2017; Roth 2017). A UN Human Rights Council investigation into Myanmar during 2017 and 2018 outlined widespread human rights violations by the *Tatmadaw* against the Rohingya, and recommended, "investigation

and prosecution of Myanmar's Commander-in-Chief, Senior General Min Aung Hlaing, and his top military leaders for genocide, crimes against humanity and war crimes" (UN Human Rights Council 2018).

These calls for accountability and the prosecution of key *Tatmadaw* figures did not lead to action by the UN Security Council (UNSC) (Agence France-Presse 2017). Permanent UNSC members China and Russia continued to be steadfast protectors of Myanmar's authorities despite mounting evidence of genocide, crimes against humanity, and war crimes being committed by the *Tatmadaw* with the approval of key civilian government leaders (Al Jazeera 2018; Reuters 2017; Safi 2017). The support of these two permanent UNSC members for Myanmar's authorities was enough to prevent others on the council, such as the UK and US, from bringing to a council vote calls for UNSC action to prevent further atrocities in Myanmar, to hold perpetrators to account, or for a referral to the ICC (Human Rights Watch 2018; Nichols 2018). However, despite UNSC inaction, calls for perpetrators to be held accountable for atrocity crimes were heeded by the Chief Prosecutor of the ICC, Fatou Bensouda. Without a referral from the UNSC and in light of Myanmar's refusal to recognise ICC jurisdiction, the ICC Chief Prosecutor considered whether the crimes against the Rohingya, particularly their deportation to ICC member state Bangladesh might provide the court with jurisdiction to undertake prosecutions (ICC 2018a; Safi 2018).

This preliminary investigation of "crimes allegedly committed against the Rohingya population in Myanmar and their deportation to Bangladesh" shed light on a legal issue of ICC jurisdiction which the Chief Prosecutor brought to ICC judges for a ruling (ICC 2018a). Acknowledging that the "coercive acts relevant to the deportations" took place in Myanmar, not a party to the Rome Statute of the ICC (Rome Statute) (ICC 2011), the prosecutor suggested that,

> . . . the Court may nonetheless exercise jurisdiction under article 12(2)(a) of the Statute because an essential legal element of the crime—crossing an international border—occurred on the territory of a State which is a party to the Rome Statute (Bangladesh). (Office of the Prosecutor 2018: 3)

The Chief Prosecutor described deportation as akin to "a cross-border shooting", where the crime "is not completed until the bullet (fired in one state) strikes and kills the victim (standing in another state)" (Safi 2018). An ICC Pre-Trial Chamber agreed, indicating that, while Myanmar is not a Rome Statute signatory, the forcible transfer of a population from Myanmar to the territory of a member state of the ICC was enough to enable the court to exercise

jurisdiction. This enabled the ICC Prosecutor's office to open a "preliminary examination" taking into account,

> . . . a number of alleged coercive acts having resulted in the forced displacement of the Rohingya people, including deprivation of fundamental rights, killing, sexual violence, enforced disappearance, destruction and looting. [The] Office will further consider whether other crimes under article 7 of the Rome Statute may be applicable to the situation at hand, such as the crimes of persecution and other inhumane acts. (ICC 2018b)

While the Office of the Prosecutor's focus was on alleged crimes associated with the deportation of the Rohingya, it is important that the Pre-Trial Chamber also noted that,

> The Chamber considers it appropriate to emphasise that the rationale of its determination as to the Court's jurisdiction in relation to the crime of deportation may apply to other crimes within the jurisdiction of the Court as well. If it were established that at least an element of another crime within the jurisdiction of the Court or part of such a crime is committed on the territory of a State Party, the Court might assert jurisdiction pursuant to article 12(2)(a) of the Statute. (Pre-Trial Chamber I 2018: 42)

During late June 2019, the Chief Prosecutor brought the outcome of the preliminary examination before ICC judges of pre-Trial Chamber III seeking authorisation to open a full investigation. The Chief Prosecutor notified ICC judges that she sought an authorisation to

> . . . investigate alleged crimes within the Court's jurisdiction in which at least one element occurred on the territory of the People's Republic of Bangladesh – a State Party to the Rome Statute since 1 June 2010 – and within the context of two waves of violence in Rakhine State on the territory of the Republic of the Union of Myanmar, as well as any other crimes which are sufficiently linked to these events. (ICC 2019)

The Prosecutor indicated there was a reasonable basis to believe crimes against humanity had been committed and (without excluding other potential crimes) indicated they related to

> (1) deportation under article 7(1)(d); (2) other inhumane acts under article 7(1)(k), namely, the infliction of great suffering or serious injury by means of intentional

> and severe violations (colloquially, violation or deprivation) of the customary international law right of displaced persons to return safely and humanely to the State of origin with which they have a sufficiently close connection (colloquially, right to return); and (3) persecution on ethnic and/or religious grounds under article 7(1)(h) by means of deportation and violation of the right to return. (Pre-Trial Chamber III 2019: 40)

The alleged crimes described by the Chief Prosecutor are serious and it is important for justice, and as a deterrent to further criminality, that these crimes be investigated and prosecuted. But there are further crimes against the Rohingya that are not addressed within the Chief Prosecutor's investigation request, and elements of these crimes may well be established as within the jurisdiction of the ICC and prosecuted, as has been suggested by Pre-Trial Chamber I (Pre-Trial Chamber I 2018).

This article argues that there are crimes against humanity being committed against the Rohingya using Myanmar's citizenship processes in Myanmar and Bangladesh, and that the ICC can and should assert jurisdiction over these crimes. Myanmar's authorities have historically used the country's citizenship processes to enact discriminatory policies against the Rohingya that amount to the crime of apartheid, and that since participation in these processes, particularly citizenship verification (often described as the National Verification Card process) assessments, is a requirement for Rohingya repatriation from Bangladesh, there is evidence of this crime being committed on territory of that ICC member which ought to be considered by the ICC as part of its investigation into crimes against humanity committed against the Rohingya (Holmes 2017; Siddiqui 2018). The article outlines the Rohingya's history in Myanmar, explaining how citizenship laws have been unfairly applied by Myanmar's authorities to block Rohingya access to citizenship and to discriminate against the group, and that this is accurately understood as the international crime of apartheid. Unlike the ICC's current investigation, which focusses mostly on alleged crimes committed by the military, crimes associated with Myanmar's citizenship processes would more likely be the responsibility of Myanmar's civilian authorities, making them also liable for ICC prosecution.

Historical Background

Southeast Asia's Myanmar, still known to many as Burma, is an overwhelmingly Buddhist country bordered by Bangladesh, China, India, Laos, and Thailand. Around 87.9% of Myanmar's residents are Buddhist, and the country's most

populous ethnic group, known as the Bamar (also as Burman), comprises almost three-quarters of the country's 50 million residents (Department of Population 2015; Myanmar Information Management Unit 2014).

Since independence, the Bamar have dominated Myanmar's political, military, and religious institutions and, while pre-colonial Burma was similarly dominated by ethnic Bamar, a series of military defeats throughout the nineteenth century ended Burmese sovereignty in 1886, from which time Burma became a province of British India and was ruled from Calcutta and later New Delhi (Hall 1950; Myint-U 2007; Phayre 1883). These military reversals significantly dented Bamar pride, contributing to a situation where many in Burma were resentful of British rule and those who were perceived to have benefited from it. The British administration was considered by many to have privileged those of Indian origin, often Muslims, and their encouragement of migration from the sub-continent contributed to contemporary attitudes that migrants gained economic advantage over the Bamar and Buddhist majority during colonial times (Charney 2009; International Crisis Group 2013; Steinberg 2010; Taylor 2009; Turnell and Vicary 2008). This perspective fuels contemporary ethnic and religious tensions, as does the Muslim (Rohingya) support for the British rather than the Japanese who were backed by Bamar and Buddhist political leaders during the Second World War (Charney 2009; International Crisis Group 2013; Steinberg 2010). Colonial era migration to Burma (particularly to the area that is today Rakhine state) is a frequently raised Bamar and Buddhist nationalist grievance and often accompanies assertions the Rohingya are colonial era migrants not entitled to Myanmar citizenship rights (Freeman 2017; Peck 2017). The consequences of these attitudes for Myanmar's Rohingya minority have been dire and members of the group have been subjected to discrimination and human rights violations for decades.

Myanmar's Rohingya are a mostly Muslim minority who claim centuries of connection to the country's Rakhine state area, close to Myanmar's border with Bangladesh. During the centuries before this area was incorporated into Burma, it had been an independent kingdom with a sizeable and well-integrated Muslim minority and at times its rulers adopted Muslim honorifics and minted coins inscribed with the *Kalima*, the Islamic declaration of faith (Tahir Ba Tha 2007; Islam 2012; Siddiqui 2008). While just 4.3% of the Myanmar population declared their religion as Muslim at the 2014 nationwide census, in Rakhine state, Muslims, mostly Rohingya, account for more than 35% of the population (Myanmar Information Management Unit 2014). Myanmar's government does not acknowledge the legitimacy of the Rohingya identity and during 2014 prevented census enumerators from recording any census participant's ethnicity as Rohingya (Associated Press 2014). In Rakhine state more than 1 million people wished their

ethnicity to be recorded as Rohingya and so their ethnicity was not enumerated as part of this nationwide census (Amnesty International 2017).

Citizenship in Myanmar

In Myanmar, history can have a daily impact on people's lives because citizenship laws allow perspectives of history to interact with concepts of ethnic identity. Recognition as a *taingyintha* or national race (a concept akin to indigeneity) that has been resident in Myanmar since before the start of the colonial era in 1823 is a key means for groups to attain collective rights to Myanmar citizenship (Republic of the Union of Myanmar 2008; Socialist Republic of the Union of Burma 1982). Despite strong evidence of a centuries-old Muslim population in western Myanmar that represents the forebears to today's Rohingya, Myanmar's government does not acknowledge the Rohingya's legitimacy as such a group so those who claim the Rohingya identity are not collectively acknowledged as citizens of Myanmar. It has been pointed out by Haque (2017) and by South (2008) that excluding the Rohingya from citizenship rights was likely a key motivation of the military government when they created the citizenship law. Ibrahim (2016) strongly asserts the 1982 citizenship law was created by a military-led government that did not acknowledge the Rohingya's collective claim to citizenship rights and is based on principles that tightly restrict who might be entitled the citizenship, leaving the Rohingya collectively without a nationality. This point is echoed by Human Rights Watch (2015) who explain that, "Burma's discriminatory citizenship law not only deprives Rohingya of citizenship, but for decades has encouraged systematic rights violations". Cheesman (2017: 461) describes how the 1982 citizenship law achieves this by pointing to its reliance on ideas of "national races" or "*taingyintha*", which he argues has come to surpass pre-existing citizenship claims/rights both legally and in the popular understanding of who might be considered a legitimate part of Myanmar's national fabric.

The creation of a law with the specific purpose of denying nationality and citizenship rights to any group represents a contravention of a state's obligations under international human rights law (OHCHR 2019). This situation led the UN General Assembly, during 2014, to pass a resolution calling on Myanmar to bring its citizenship laws into line with international standards (Al Jazeera 2014; Human Rights Watch 2015; UN 1948). Instead Myanmar's authorities have persisted in limiting Rohingya access to citizenship rights by practice as well as by law. In Myanmar, as Cheesman (2015) makes clear, it is not just specific laws that can lead to rights being denied to groups like the Rohingya, but the political nature of the legal system itself. Cheesman's in depth study of Myanmar's legal system outlines the, often arbitrary, functioning of the country's courts and those

associated with them including police, prosecutors, and lawyers, with long delays a routine feature of the system. For Myanmar's authorities, both the law and how laws can be enforced provide opportunities to further political ends that often involve denying rights to individuals and groups within the country, in a manner that can be understood as state crime.

This is certainly a common experience for Myanmar's Rohingya, who have been not only prevented from accessing collective legal rights to citizenship (often described as full citizenship) but who also face serious hurdles when they seek to progress claims to associate citizenship based on their residency in the country with long delays being common – Rohingya who have sought to claim citizenship by residency routinely report their claims are not processed by the authorities, sometimes even decades after they are lodged (Wallace 2016). The resistance of Myanmar's authorities to Rohingya citizenship claims is addressed below. The Rohingya in Myanmar thus often find themselves effectively stateless by law and by official practice, which highlights how both laws and the ways the state chooses to enforce them can be highly political and indeed constitute state crimes. Myanmar's Rohingya have been left without the rights and protections citizenship would usually provide and they are often treated as illegal residents and subject to discrimination and rights violations. This was not always the case.

Since the country's independence in 1948, Burma/Myanmar's various citizenship laws have privileged ethnicity and indigeneity, although they have also provided legal avenues to citizenship based on residency (Republic of the Union of Myanmar 2008; Socialist Republic of the Union of Burma 1974, 1982; Union of Burma 1947, 1948). When Burma gained independence in 1948, most of the forebears of today's Rohingya population were not only citizens of the newly independent country but were acknowledged by the authorities as such. Burma's first post-independence Prime Minister, U Nu, whose twelve years in this office between independence and the 1962 military coup make him the country's longest serving civilian leader, told a 1954 radio audience, ". . .the people living in Maungdaw and Buthidaung regions are our nationals, our brethren. They are called Rohingyas. . .They are one of the ethnic races of Burma" (Haque 2017). Military figures were also prepared to acknowledge the legitimacy of the Rohingya identity at that time – in a 1961 speech the Army's Deputy Commander-in-Chief Brigadier General Aung Gyi said, "The people living in Mayu Frontier are Rohingya. Pakistan [now Bangladesh] is located in west of Mayu Frontier and Muslims are living there. The people living in west are called Pakistani and the people living here are called Rohingya" (Lwin 2012).

Throughout the democratic period prior to the country's 1962 military coup, the Rohingya's forebears were uncontroversially granted identity documents

and passports just like other Burmese citizens and they had political rights too. They were free to vote in elections (a right they would maintain until the Rohingya's disenfranchisement prior to the 2015 national election) and could count among their number elected members of the country's parliaments, including government ministers and parliamentary secretaries (Berlie 2008; Yegar 1972). On 2 March 1962, *Tatmadaw* leaders successfully undertook a coup and gained control of the Burmese state, empowering *Tatmadaw* leader General Ne Win with all state authority – executive, legislative, and judicial. Ne Win's whim could represent the law of the land (Taylor 2009). The policy transformations this government undertook had widespread and lasting consequences and would have a particularly negative impact on groups the military authorities considered to be foreign, whether those groups had been resident in the country for centuries or not. Ne Win's military administration treated their suspension of the 1948 Constitution as an opportunity to revisit the entire question of who ought to be considered a Burmese citizen and they defined this in narrow terms.

The military government arbitrarily applied the country's citizenship laws, legitimate citizenship rights were routinely ignored, and policies adopted designed to force "foreigners" from the country. The matter of who might be considered as foreign was determined by the attitudes of Ne Win rather than with reference to Burma's existing laws. The military government's policies privileged Bamar ethnicity and the Buddhist religion and are described by Walton (2013) as a process of cultural assimilation known as Burmanisation that seeks to reinforce Bamar identity as the norm of Myanmar national identity. The Burmanisation policies undertaken by the post-coup government frequently involved discrimination against ethnic minority groups in areas of culture, language, religion, and education (Berlie 2008; Collins 2002; Holmes 1967; Kramer 2015). In many instances, onerous restrictions were placed on members of non-Bamar ethnic groups and the authorities actively silenced alternative historical narratives. There is little doubt that those populations Ne Win considered to be foreign were among key targets, and the policies and practices of Burmanisation have been widely criticised by non-Bamar ethnic groups (Egreteau 2014; Smith 1991; The Economist 2002). Despite often having been settled in Burma for generations, and so entitled to citizenship under the provisions of both the Constitution of the Union of Burma (1947) and the Union Citizenship Act (1948), the military government's actions in the immediate post-coup period undermined the ability of Indian, Chinese and other groups perceived to be foreign, to earn a living. The consequence was a widespread migration of Indian and Chinese populations from Burma. Often described as a "repatriation" this was little more than the forced expulsion of communities at the behest of the military government. It is estimated around 300,000

Indians and 100,000 Chinese left Burma during the 1960s (Egreteau 2008; Holmes 1967; Chaturvedi 2015; Smith 1991).

The Rohingya were not expelled from the country at that time and this was most likely not because Ne Win or the military considered the Rohingya had a legitimate right to stay – because their rights were markedly restricted from that time. A likely reason is that while Ne Win's government, during its early years of rule, might have had the authority to expel Chinese and Indian populations (principally from the cities of Mandalay and Rangoon), seeking to force a well-established population of Muslim citizens out of a potentially unstable and recently contested border region risked triggering instability there. This border region had been a major theatre of conflict during the Second World War, with Muslims siding with the British, while Buddhist, often Bamar, fighters under the leadership of Aung San (father of current State Counsellor Aung San Suu Kyi) sided with the Japanese (Slim 1956; Yegar 2002). In the years following the war, Burma's western region had been particularly unstable, with the central authorities often controlling little more than major population centres, with the rest in the hands of various insurgent groups including *Mujahids*, ethnic nationalists from the local Rakhine Buddhist population, and two communist insurgent groups (Smith 1991; Smith and Allsebrook 1994). Muslim *Mujahid* insurgents had only recently (in 1961) formally surrendered and there remained a looming threat this militancy could be reignited. There might also have been fears that instability in this border region at that time could have prompted Burma's neighbor Pakistan to reconsider whether Muslim majority parts of Burma adjacent to its border ought to be incorporated into a Muslim-majority country. Ne Win's regime settled for a longer-term strategy that involved systematically undermining Rohingya citizenship claims while simultaneously engaging in nation-wide policies of Burmanisation to privilege the ethnic Bamar ethnicity and undermine the legitimacy of other ethnic groups.

Ne Win's regime did not acknowledge citizenship rights that had accrued according to the post-independence constitution or citizenship law (Union of Burma 1947, 1948). Instead, the question of who was considered a legal citizen of Burma was settled by the authorities by assuming most Muslims in western Burma, the forebears to today's Rohingya, despite holding official identity documents and having been treated as citizens by the authorities in the decades previous, were likely not genuine citizens and must now prove their citizenship claim based on evidence of legitimate residency and according to the new 1974 Constitution's provisions (but without being able to retain rights that accrued according to the 1948 Constitutional framework). In practice, Rohingya would be required to make their citizenship claims without being able to use their previously accepted citizenship (circa 1948–1962) or their possession of identity

documents or a Burma passport as proof of their existing citizenship rights. The practices of Ne Win's administration were given some public legal clarity with the enactment of the Burma Citizenship Law (1982), which remains in force today. This law was made under the 1974 Constitution and is widely described as the key legal instrument blocking the Rohingya from citizenship. The key provisions of this law rely much more heavily on notions of ethnicity than does the 1974 Constitution, and while the 1982 law has similarities to the post-independence citizenship regime, its reliance on ethnicity greatly narrows the scope for attaining citizenship. While this law came into effect during the time when Burma was ruled by the military, there has been little domestic political momentum for it to change when compared with constitutional provisions such as those related to the qualifications for the presidency or the role of the military in the legislature (Ferrie and Aung Hla Tun 2014; Roughneen 2015; Oberoi 2006). Since coming to power in 2016 Aung San Suu Kyi's National League for Democracy government has provided little indication it is considering changes to the Burma Citizenship Law (1982) despite international pressure for this to occur, and the recommendation of the Kofi Annan-led Advisory Commission on Rakhine State (2017: 32), which called for, "Re-examining the current linkage between citizenship and ethnicity".

The 1982 law spells out the criteria for present-day Myanmar citizenship, providing for three categories of citizenship with the key provisions based on ethnicity. Full citizenship rights in Myanmar are granted collectively to members of ethnic groups believed to have been living within the boundaries of the country in 1823 before the first Anglo-Burma War; associate citizens are those born in the country after 1823; and there is also a provision for citizenship by naturalisation. As with the 1974 Constitution, this law (in Chapter 2, s3) specifies eight major indigenous groups, and makes clear that those who are "Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan" are citizens. These are the groups that are widely understood as being *taingyintha/*national races. However, the law makes clear this list is not exhaustive, and explains the Council of State "may decide whether any ethnic group is national or not" (Chapter 2, s4). In 1990 the Myanmar government clarified which groups it considered "national" by publishing a list of 135 ethnic groups (Al Jazeera 2017; Cheesman 2015, 2017; Lintner 2017; Taylor 2015). Some groups on this list, such as the Bamar, include tens of millions of Myanmar residents while other groups, the Moken people for instance, may just include a few thousand.

There has been considerable human rights-led criticism of the law's reliance on potentially arbitrary notions of ethnicity as well as the provision that allows the Council of State to decide whether any ethnic group represents a *taingyintha/*national race or not (Amnesty International 2015; Socialist

Republic of the Union of Burma 1982; Constantine 2012; Human Rights Watch 2015; IRIN 2013). This allows the government to arbitrarily remove citizenship rights from any group or grant rights to a group. Citizenship rights can accrue because of arbitrary government decisions about whether to recognize a claim to *taingyintha*/national race status. This happened in the dying hours of President Thein Sein's administration during 2016 when a group widely regarded as ethnically Chinese, the Mone Wun, were granted citizenship as a Bamar subgroup (Htoo Thant 2016; Ye Mon 2016). This aspect of Myanmar's citizenship arrangements has been the cause of considerable debate, particularly as it relates to the government's decision to deny the Rohingya the status of a *taingyintha*/national race and with it the collective right to citizenship (Advisory Commission on Rakhine State 2017; Cheung 2012; Lee 2014).

The question of just how Myanmar's government determines whether a particular group of residents is entitled to be known as an ethnic group and to acquire the resultant citizenship rights is opaque and highly controversial. These matters become even more challenging because, as Walton (2013: 4) notes, people in Myanmar, "often perceive ethnicity as something inborn, unchangeable and, in some cases, determinant of an individual's very nature". This creates an obvious difficulty for those wishing to make a claim of ethnicity based on newer or less familiar ethnic descriptors, as is the case for the Rohingya Muslims (Human Rights Watch 2015; Taylor 2015; Walton 2013). Many of the factors associated with the choice of the 1823 date continue to negatively impact the Rohingya's contemporary claim to Myanmar citizenship. For example, a group heritage within Myanmar predating 1823 is crucial to obtaining citizenship rights according to the *taingyintha*/national race provisions of the Burma Citizenship Law (1982) but some territory that is considered to have been part of Burma's empire in 1823 had only recently come under Burmese control at that time. This was the case with the Arakan kingdom, which corresponds roughly with modern Rakhine state, home of the Rohingya, which was invaded by Burma less than 40 years before Burma lost control of it to the British.

One consequence of this history, and Myanmar's citizenship law, is that the Rohingya's citizenship rights are not acknowledged by Myanmar's authorities today. Central to the Rohingya's situation as a population whose citizenship rights are not acknowledged have been perceptions by the Myanmar government, described by Steinberg (2010), Cheung (2012) and Pittaway (2008) and shared by many ethnic Bamar, that the Rohingya are illegal migrants whose forebears arrived mostly since the start of the colonial era. This belief is important because of the way Myanmar determines citizenship rights and appears to have been a

consideration when the military junta formally rewrote Burma's citizenship laws in 1982 (Haque 2017; South 2008).

With the enactment of the Burma Citizenship Law (1982) the stripping away of the Rohingya's civil, political, and economic rights was given a legal justification. The Myanmar authorities, in assuming the Rohingya do not represent a *taingyintha*/national race group, have consistently treated those claiming their ethnicity as Rohingya to not be entitled to citizenship rights. Consequently, individuals claiming to be Rohingya, and accompanying their claim with documentary evidence of prior official recognition of their Burma/Myanmar citizenship, have often been treated by the authorities as presenting proof of likely citizenship fraud. During 2012, President Thein Sein summed up official attitudes towards Rohingya citizenship claims by saying that, "We will take care of our own ethnic nationalities, but Rohingyas who came to Burma illegally are not of our ethnic nationalities and we cannot accept them here" (Radio Free Asia 2012). These factors mean those claiming their identity as Rohingya have collectively been left without citizenship of Myanmar or anyplace else, and now lack the rights and protections that a citizenship would provide.

Equally problematic for the Rohingya has been that the alternative paths to citizenship provided by the Burma Citizenship Law (1982) come with the risk of future statelessness. The law provides that, in some circumstances, individual residents who are not considered members of a *taingyintha*/national race are able to obtain Naturalised or Associate Citizenships of Myanmar. However, Section 8 (b) states, "The Council of State may, in the interest of the State revoke the citizenship or associate citizenship or naturalized citizenship of any person except a citizen by birth", meaning all who acquire Associate or Naturalised citizenship risk the future revocation of these citizenship rights. In light of the Rohingya's collective experience of discrimination by Myanmar's authorities, the prospect of seeking a form of citizenship that could be arbitrarily revoked is hardly inviting and no doubt this has contributed to Rohingya resistance to such citizenship verification processes. Yet, despite the tenuous nature of Naturalised or Associate citizenship, those Rohingya prepared to make a claim to such citizenships have often found Myanmar's state institutions unwilling to assess their residency and citizenship claims (Wallace 2016).

Hundreds of thousands of Rohingya fled Myanmar military violence during 1991/92 for Bangladesh (Amnesty International 1992; Corr 2016; Human Rights Watch 2000). Those who were subsequently returned to Myanmar with the cooperation of the governments of Bangladesh, Myanmar, and the UN have described how they were issued with temporary identity documents in place of other documentary proof they provided as evidence of their legitimacy as Myanmars

(Human Rights Watch 1996). They had expected scrutiny of their identity documents to be speedy but instead their original identity documents were never returned to them and they were provided with temporary identity documents commonly known as White Cards (Kean and Aung Kyaw Min 2015; Lawi Weng 2015; Nyan Hlaing Lynn and Kean 2016). This process left hundreds of thousands of Rohingya in Rakhine state holding temporary identity documents for a period of decades until these identity cards were themselves cancelled by the government prior to the 2015 general election. As White Card holders had been entitled to vote, Rohingya holders of these temporary identity documents had retained access to voting rights and elected Rohingya Members of Parliament at Myanmar's 2010 general election before their rights were stripped with the 2015 White Card cancellation.

Lack of Citizenship Underpins Human Rights Violations Against Rohingya

The lack of acknowledged citizenship has had catastrophic consequences for Rohingya access to human rights and the group has collectively been made subject to a range of rights restrictions throughout the last five decades that are not routinely applied to the country's citizens. ISCI researchers describe how the Rohingya's mistreatment by Myanmar's authorities demonstrates a pattern of discrimination and policies designed to weaken and ultimately destroy the group, while narratives of history in which the Rohingya are labelled as Bengali (a foreign identity) and presented as recent foreign interlopers and a threat to Myanmar's Buddhist culture and character have served to harden domestic attitudes against the Rohingya and their rights claims (Green, MacManus and de la Cour Venning 2015, 2018; Ibrahim 2016; Lee 2019). Myanmar's authorities have routinely adopted practices that have the effect of "othering" the Rohingya, often separating the group from society and forcing them into concentration camps in Rakhine state, euphemistically described as Internally Displaced Person (IDP) camps, to isolated villages with restricted access, or into urban ghettos. Official restrictions on the Rohingya's ability to earn a living, marry, have children, travel, and access education and healthcare have been well documented (Amnesty International 2017; Human Rights Watch 2012, 2013; Médecins Sans Frontières-Holland 2002; Physicians for Human Rights 2016). The Rohingya's collective situation has not improved during Myanmar's recent years of quasi-civilian government, whether these administrations have been headed by ex-general Thein Sein or democratic icon Aung San Suu Kyi.

Both of Myanmar's legal pathways to citizenship are mostly blocked to the Rohingya: the Myanmar authorities reject Rohingya claims to be considered a

taingyintha/national race, and the authorities have routinely used other citizenship verification processes to both remove identity documentation from Rohingya and prevent them from accessing the citizenship rights to which they ought to be entitled. The consequences for the Rohingya are that Myanmar officialdom can discriminate against Rohingya while maintaining a veneer of legality. A particularly onerous form of discrimination against Myanmar's Rohingya has been travel restrictions placed on the group, making it impossible for Rohingya to travel even to adjacent villages without official permission. While travel to any location outside of Rakhine state has been increasingly restricted for Rohingya for a number of decades, more localised restrictions have come to be steadily applied to the group and tightened over time.

By 2016, northern Rakhine state, home to most of Myanmar's Rohingya population with a small Buddhist population, had for some decades been effectively cut off from the remainder of Myanmar. In more southerly parts of the state where Rohingya and larger Buddhist communities might have been living adjacent to one another, Rohingya have found their ability to move around tightly controlled by the authorities. Violence in Rakhine state during 2012 – which the authorities characterised as communal conflict between Buddhists and Muslims but which has been described by human rights groups as a deliberate attempt by the authorities to violently target the Rohingya population – led to the enforced separation of Rohingya communities from others (Human Rights Watch 2012; Wade 2017). At this time there were widespread reports of Myanmar's security forces committing abuses that included arbitrary arrests and using unlawful force against Rohingya, and of security forces working with Buddhist mobs to target Rohingya communities (Amnesty International 2012; BBC 2012; Human Rights Watch 2012). Witnesses reported Myanmar's security forces disarming Rohingya communities before retreating to allow armed Buddhist mobs to attack the now defenceless Rohingya communities (Human Rights Watch 2012; Wade 2017). This violence led to the displacement of around 140,000 people, the overwhelming majority of whom were Rohingya. However, while displaced Buddhists were quickly returned to their home communities, seven years later more than 100,000 Rohingya remain confined to camps described by Myanmar's government as IDP camps but that are more accurately characterised as concentration camps (Pitzer 2017). Rohingya who were not displaced by this 2012 violence have nonetheless found their lives further restricted by Myanmar's authorities – for instance, the Aung Mingalar quarter of Rakhine's state capital, Sittwe, has been turned into an urban ghetto from where its 4,000 Rohingya inhabitants are forced to live but cannot leave (Green, MacManus and de la Cour Venning 2015, 2018; Pitzer 2017).

Another common form of anti-Rohingya discrimination involves placing undue administrative burdens upon members of the group. The refusal to accurately document Rohingya home births, for instance, contributes to life-long problems for children not registered with the authorities (Amnesty International 2017). Since the majority of births in Rakhine state do not take place in hospitals, families' registration of new births happens sometime after the birth, a process made difficult too because of travel restrictions that limit Rohingya's ability to freely move from their home communities to centres where registrations can be made. Because of how Myanmar determines citizenship rights, the inability to accurately register new births can affect future generations' rights claims. There is discrimination too against Rohingya in the area of work, and during Burma/Myanmar's decades of military rule, Rohingya holding government posts (for instance as bureaucrats, nurses, police, or teachers) increasingly found their employment precarious. Today, few Muslims hold official employment in Myanmar's Rakhine state.

Apartheid in Myanmar

The discrimination faced by the Rohingya has created conditions now frequently described by humanitarian groups and the academy as including crimes against humanity, and genocide. Consideration of whether necessary elements of the crime of genocide – notably intent – are present in Myanmar's mistreatment of the Rohingya are beyond the scope of this article (although this author considers that the overwhelming weight of evidence indicates that they are). Instead, this article focusses on how the discriminatory Myanmar citizenship practices outlined have contributed to apartheid conditions for the Rohingya in Myanmar that might be prosecuted by the ICC (UN General Assembly 1948).

Deriving from the Afrikaans meaning "apartness" or "separateness", apartheid represented South Africa's policy of racial segregation operating in that country from 1948 until it was dismantled during the early 1990s (Dubow 2014: 10). South Africa's apartheid system was justifiably criticised as discriminatory and racist and this eventually led the United Nations, during the 1970s, to agree on a text of a convention to suppress and punish apartheid as a crime. In recent years the term has been used to describe racist and discriminatory policies in states including China, Israel, and Saudi Arabia (Abdulla 2016; Gordon 2017; Human Rights Watch 2008; King 2001). The 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid (ICSPCA), which came into force in 1976, provided a definition of the racial segregation and discrimination common to apartheid as a crime against humanity, and outlined how "those organizations, institutions and individuals committing the crime of apartheid" are declared criminal (UN General Assembly 1973). ICSPCA Article 2 describes how the crime of

apartheid will include "similar policies and practices of racial segregation and discrimination as practiced in southern Africa" and,

> . . . shall apply to the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them: (a) denial to a member or members of a racial group or groups of the right to life and liberty of person: (i) by murder of members of a racial group or groups; (ii) by the infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment; (iii) by arbitrary arrest and illegal imprisonment of the members of a racial group or groups; (b) deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part; (c) any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association; (d) any measures, including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof; (e) exploitation of the labour of the members of a racial group or groups, in particular by submitting them to forced labour; (f) persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid. (UN General Assembly 1973)

Official Myanmar's discrimination against the Rohingya includes many elements of the apartheid crime described by ICSPCA and is made possible by the operation of the country's discriminatory citizenship regime. The apartheid conditions imposed on the Rohingya include: the deliberate imposition of living conditions designed to cause the destruction of the group; preventing the group's meaningful participation in the country's political, social, economic, and cultural life; and dividing the population along racial lines by creating separate reserves or ghettos. These apartheid conditions have been described by the academy (see for instance

Ahmed 2010; Green, MacManus and de la Cour Venning 2015, 2018; Holliday 2014; Ibrahim 2016; Lee 2014; Parnini 2013; Ragland 1994; Renshaw 2017; Renshaw, Lee and Roose 2017) and were the subject of a major AI (2017: 10) report *Caged Without A Roof*, which examined apartheid affecting the Rohingya in Rakhine state and asserted,

> What Amnesty International has uncovered in Rakhine State is an institutionalized system of segregation and discrimination of Muslim communities. In the case of the Rohingya this is so severe and extensive that it amounts to a widespread and systemic attack on a civilian population, which is clearly linked to their ethnic (or racial) identity, and therefore legally constitutes apartheid, a crime against humanity under international law.

Myanmar's authorities have utilised a range of tactics to enable their apartheid regime and this has often involved downgrading Rohingya identity documents so that their ability to prove their legitimate residency in Myanmar and citizenship claims are diminished. For instance, Rohingya victims of forced deportation during the 1990s found their return to Myanmar required them to relinquish their identity documents to the authorities, a process that was achieved at that time with the cooperation of the government of Bangladesh and the UN. Returnees were given temporary White Cards, which they held until cancelled in 2015, but their original identity documents, often demonstrating evidence of previously acknowledged Burma/Myanmar citizenship and legitimate residency, were removed from them (Amnesty International 2017; Human Rights Watch 1996). Denying the legitimacy of Rohingya residency in Myanmar has enabled the authorities to place restrictions on Rohingya rights and has been central to the development of the apartheid system.

Today, Myanmar's authorities insist that any Rohingya seeking to be repatriated to Myanmar undergo a similar citizenship verification process. The bilateral "Arrangement on return of displaced persons from Rakhine State", agreed between the governments of Bangladesh and Myanmar during 2017 is closely modelled on the agreement and processes in place for Rohingya returnees during the 1990s (Dhaka Tribune Desk 2017). This will require Rohingya returnees to submit evidence of their claim to prior Myanmar residency and, while this evidence is scrutinised by Myanmar's government, to accept a National Verification Card that does not provide the holder with a proof of citizenship (Dhaka Tribune Desk 2017). This point was made clear to Rohingya camp residents during July 2019 when officials from the Myanmar government visited refugee camps in Bangladesh and outlined their requirements for Rohingya return including participation in identity verification processes (Carroll 2019). A brochure distributed by Myanmar's officials

explained how the NVC "will be issued to all returnees at the two reception centres after verification and registration" (Quinley 2019). Displaced Rohingya in Bangladesh who do not participate in Myanmar's identity verification process will be barred from returning to Myanmar, prolonging the effects of their forced deportation. Rohingya who wish to return will be required to participate in Myanmar's verification processes, which have already been widely used to discriminate against the group and prevent them accessing the citizenship rights they ought to be entitled, and have been used by Myanmar's authorities to underpin their system of discrimination and apartheid against the Rohingya.

Prosecuting the crime of apartheid is within the ICC's remit and Article 7.2(h) of the Rome Statute defines this in terms that certainly apply to the situation faced by Myanmar's Rohingya:

> "The crime of apartheid" means inhumane acts of a character similar to those referred to in [the definition of 'crimes against humanity' in Art. 7.1], committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime. (ICC 2011: 4)

There are strong grounds to assert crimes against humanity, including apartheid, have and continue to be committed against the Rohingya through the operation of Myanmar's discriminatory citizenship framework. While elements of the apartheid crime that are recognisable parts of Myanmar's anti-Rohingya discrimination have been outlined, this article does not seek to identify individual elements of the ICSPCA that Myanmar has exported to Bangladesh. Rather it is argued here that, by exporting the discriminatory citizenship framework essential to its apartheid system, Myanmar has exported this criminal system as a whole.

In light of the strong evidence that apartheid crimes are routinely committed against the Rohingya within Myanmar, a key consideration of the ICC will be whether elements of Myanmar's apartheid system might be considered a crime that has crossed the international frontier into the territory of Rome Statute signatory Bangladesh. This article argues that Myanmar has exported its apartheid system to Bangladesh and that this presents the ICC with an opportunity to assert its jurisdiction. Since Myanmar's discriminatory citizenship system (its laws and the way they are enforced) are necessary to enable the system of apartheid against the Rohingya within Myanmar, making participation in this discriminatory citizenship system a precondition of Rohingya return to Myanmar can be considered a crime committed on the territory of Bangladesh. Myanmar's authorities present Rohingya living in Bangladesh refugee camps with a stark choice: to either participate in Myanmar's apartheid system of discrimination against them or to

remain exiled from Myanmar indefinitely. In this circumstance where it might be established that "at least an element of another crime within the jurisdiction of the Court or part of such a crime is committed on the territory of a State Party" there are compelling grounds for the ICC to follow the suggestion of Pre-Trial Chamber I (2018: 42) and now assert its jurisdiction. However, the ICC asserting jurisdiction over crimes associated with Myanmar's apartheid system would likely be more controversial than seeking to prosecute crimes associated with the Rohingya's forced deportation because responsibility for Myanmar's citizenship laws lies overwhelmingly with the country's civilian authorities rather than the military.

Enforcing the apartheid system against the Rohingya of course requires the involvement and cooperation of more than the national civilian authorities – it requires too the involvement of administrators at state and village levels as well as police and military. But responsibility for the legal framework that enables Myanmar's anti-Rohingya apartheid lies with the country's national civilian authorities, as they have the power to alter the laws that underpin the system of apartheid. Were the ICC to pursue prosecutions of Myanmar civilian administration figures, the country's most prominent civilian politician and de-facto head of government, Aung San Suu Kyi, would surely be among those prosecuted.

Myanmar's de-facto civilian leader, State Counsellor Aung San Suu Kyi, has supported the Myanmar military's actions against the Rohingya that led to their forced deportation. This support drew considerable criticism from human rights groups and foreign governments but did not lead to an ICC investigation of her actions or those of her government (Beech 2017; Ellis-Petersen 2018). In the case of contemporary crimes against the Rohingya, because the ICC has determined its jurisdiction is derived from the crime of deportation, it has confined its investigations to those acts associated with the Rohingya's forced deportation and so focussed mostly on the potential criminality of Myanmar military figures. Were the ICC to derive jurisdiction also based on Myanmar's apartheid system, as this article argues, then those responsible for this system among the country's civilian administration would also be likely subject to ICC investigation and potential prosecution for the first time.

Since coming to power during 2016, State Counsellor Aung San Suu Kyi's administration has taken no steps to positively address the apartheid conditions faced by Rohingya residents of Myanmar. Despite committing to implement all the recommendations of the Kofi Annan-led Advisory Commission on Rakhine State (2017), Aung San Suu Kyi's administration has not sought to address the linkage between ethnicity and citizenship that is central to the authorities' denial of Rohingya citizenship claims. Neither has Aung San Suu Kyi's administration contributed to meaningful improvements in the Rohingya's human rights situation since coming to office. Instead, Aung San Suu Kyi supported the military's actions

leading to the Rohingya's forced deportation and now has pledged support for the repatriation and verification processes outlined above, stating, "There has been a call for the repatriation of refugees who have fled from Myanmar to Bangladesh. We are prepared to start the verification process at any time" (Aung San Suu Kyi 2017). In this context, Aung San Suu Kyi and her administration must assume overwhelming responsibility for the continuation of the criminal apartheid system in Myanmar.

An ICC prosecution that focused on the actions of Myanmar's civilian authorities, including those of Aung San Suu Kyi, would be controversial. Aung San Suu Kyi, a Nobel Peace Prize Laureate, has long been considered by many internationally as an icon of democracy and human rights and as representing her country's best hope for a political transition from military-led government to civilian rule. There would be many international actors, particularly among Western governments including those of the EU, UK, and USA who have long supported Aung San Suu Kyi's political aspirations and who continue to do so, who would be concerned by the potential political consequences of her or her administration being investigated by the ICC. They might consider this as risking undermining Myanmar's best hope for a complete transition away from military control and so may seek to frustrate ICC attempts to undertake such a prosecution. But this article argues the ICC's responsibility is to investigate and prosecute crimes against humanity in accordance with the principles outlined in the Rome Statute rather than according to any state or individual's political interests. Choosing to avoid a legitimate prosecution because of its political consequences would politicise the functioning of the ICC, undermining a founding value of the ICC outlined in the Rome Statute's determination to "put an end to impunity for the perpetrators of these [atrocity] crimes and thus to contribute to the prevention of such crimes" (ICC 2011: 1).

This article has argued that the Rohingya are victims of serious criminality by Myanmar's authorities, and that this ought to be addressed by the ICC. However, it is important to note too that Myanmar's mistreatment of the Rohingya has far reaching consequences – the people of Bangladesh, for example, while not direct victims of Myanmar's apartheid system are nonetheless impacted by it. There are now more than 1 million Rohingya from Myanmar residing more or less permanently in Bangladesh refugee camps, impacting Bangladesh's budget and its ability to utilise this land for other purposes.

Whether the ICC chooses to address the apartheid crimes outlined in this article will be largely determined by whether Chief Prosecutor Fatou Bensouda considers there may be a case to prosecute and whether the ICC can legitimately assert its jurisdiction. If the ICC is to live up to the Rome Statute's affirmation that "the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured" (ICC 2011: 1)

then surely Myanmar's apartheid system against the Rohingya must lead to an ICC investigation and prosecution.

Conclusion

This article has argued that the human rights violations that Myanmar's authorities subject the Rohingya to in Myanmar can be accurately described as the crime of apartheid, and that Myanmar's discriminatory application of its citizenship laws and processes is central to this crime. Myanmar is not a signatory to the Rome Statute. So, while the ICC cannot undertake prosecutions for the crime of apartheid when it is committed in Myanmar, because Myanmar's government insists upon Rohingya participation in discriminatory citizenship processes as a precondition of repatriation to Myanmar, this presents the ICC with an opportunity to assert jurisdiction, since the crime has been brought by Myanmar to the territory of ICC member state Bangladesh. Unlike the ICC's current investigation into the forced deportation of Rohingya, which focusses mostly on alleged crimes committed by the Myanmar military, responsibility for crimes associated with Myanmar's citizenship processes would largely be the responsibility of the civilian government currently led by State Counsellor Aung San Suu Kyi. This would make Myanmar's civilian politicians liable for the first time to ICC prosecution.

Note

1. Myanmar is still often known as Burma. To avoid confusion, the name "Myanmar" is used to refer to the country from the time its name was officially changed by the military junta in 1989. When referring to the country's history prior to 1989, the name "Burma" is used. Where necessary, to preserve meaning and avoid confusion, both the former and official name will be used in tandem as "Burma/Myanmar". Names in Myanmar are usually personal to the individual rather than following first name/surname conventions common to the West, so Myanmar names used in the body of the article and references are presented in full.

References

Abdulla, R. (2016) "Colonialism and Apartheid Against Fragmented Palestinians: Putting the Pieces Back Together", *State Crime Journal*, 5(1): 51–80.

Advisory Commission on Rakhine State (2017) "Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine: Final Report of the Advisory Commission on Rakhine State". Available online at http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf (accessed 9 July 2019).

Agence France-Presse (2017) "China and Russia Oppose UN Resolution on Rohingya", *The Guardian*, 24 December. Available online at https://www.theguardian.com/world/2017/dec/24/china-russia-oppose-un-resolution-myanmar-rohingya-muslims (accessed 8 July 2019)

Ahmed, I. (2010) "Bangladesh-Myanmar Relations and the Stateless Rohingyas", *Burma Library*, June. Available online at http://burmalibrary.org/docs/Imtiaz-Ahmed.html (accessed 10 July 2019).

Al Jazeera (2014) "UN Calls for 'Full Rohingya Citizenship'", *Al Jazeera*, 30 December. Available online at https://www.aljazeera.com/news/americas/2014/12/un-calls-full-rohingya-citizenship-myanmar-monks-rakhin-201412304424672621l.html (accessed 12 August 2019).

Al Jazeera (2017) "Myanmar: Major Ethnic Groups and Where They Live", *Al Jazeera*, 14 March. Available online at http://www.aljazeera.com/indepth/interactive/2017/03/myanmar-major-ethnic-groups-live-170309143208539.html (accessed 9 July 2019).

Al Jazeera (2018) "Myanmar: Aung San Suu Kyi Defends policies Towards Rohingya", *Al Jazeera*, 22 August. Available online at https://www.aljazeera.com/news/2018/08/myanmar-aung-san-suu-kyi-defends-policies-rohingya-180822060114385.html (accessed 8 July 2019)

Amnesty International (1992) *Union of Myanmar (Burma): Human Rights Abuses against Muslims in the Rakhine (Arakan) State*. London: Amnesty International.

Amnesty International (1997) *Myanmar/Bangladesh Rohingyas – The Search for Safety*. London: Amnesty International.

Amnesty International (2012) "Myanmar: Abuses Against Rohingya Erode Human Rights Progress", *Amnesty International*, 19 July. Available online at https://www.amnesty.org/en/press-releases/2012/07/myanmar-abuses-against-rohingya-erode-human-rights-progress/ (accessed 10 July 2019).

Amnesty International (2015) "Myanmar, Amnesty International Submission to the UN Universal Periodic Review, 23rd session of the UPR Working Group, 2–13 November 2015". Available online at https://www.upr-info.org/sites/default/files/document/myanmar/session_23_-_november_2015/ai_upr23_mmr_e_main.pdf (accessed 9 July 2019).

Amnesty International (2016) "Bangladesh Pushes Back Rohingya Refugees Amid Collective Punishment in Myanmar", *Amnesty International*, 24 November. Available at https://www.amnesty.org/en/latest/news/2016/11/bangladesh-pushes-back-rohingya-refugees-amid-collective-punishment-in-myanmar/ (accessed 9 July 2019).

Amnesty International (2017) *"Caged Without A Roof": Apartheid in Myanmar's Rakhine State*. London: Amnesty International.

Associated Press (2014) "Burma Census Is Not Counting Rohingya Muslims, Says UN agency", *The Guardian*, 2 April. Available online at https://www.theguardian.com/world/2014/apr/02/burma-census-rohingya-muslims-un-agency

Aung San Suu Kyi (2017) "Speech by the State Counsellor on Government's Efforts with Regard to National Reconciliation and Peace", *Coconuts Yangon*, 19 September. Available online at https://coconuts.co/yangon/news/livestream-aung-san-suu-kyis-speech-rakhine-crisis/ (accessed 10 July 2019).

BBC (2012) "Muslims in Burma's Rakhine State 'Abused' – Amnesty", *BBC*, 20 July. Available online at https://www.bbc.co.uk/news/world-asia-18921960 (accessed 10 July 2019).

Beech, H. (2017) "What Happened to Myanmar's Human-Rights Icon?", *The New Yorker*, 25 September. Available online at https://www.newyorker.com/magazine/2017/10/02/what-happened-to-myanmars-human-rights-icon (accessed 14 August 2019).

Berlie, J. (2008) *Burma: The Burmanization of Myanmar's Muslims*. Bangkok: White Lotus Press.

Carroll, J. (2019) "Rohingya Suspicious as Myanmar Touts Repatriation Plan". *Al Jazeera*, 30 July. Available online at https://www.aljazeera.com/news/2019/07/breakthrough-rohingya-cautiously-repatriation-bid-190729142159991.html (accessed 14 August 2019).

Charney, M. (2009) *A History of Modern Burma*. Cambridge: Cambridge University Press.

Chaturvedi, M. (2015) "Indian Migrants in Myanmar: Emerging Trends and Challenges", *Ministry of External Affairs*. Available online at https://www.mea.gov.in/images/pdf/Indian-Migrants-Myanmar.pdf (accessed 9 July 2019).

Cheesman, N. (2015) "Problems with Facts about Rohingya Statelessness", *E-International Relations*, 8 December. Available online at http://www.e-ir.info/2015/12/08/problems-with-facts-about-rohingya-statelessness/ (accessed 9 July 2019).

Cheesman, N. (2017) "How in Myanmar 'National Races' Came to Surpass Citizenship and Exclude Rohingya", *Journal of Contemporary Asia*, 47(3): 461–483.

Cheung, S. (2012) "Migration Control and the Solutions: Impasse in South and Southeast Asia: Implications from the Rohingya Experience", *Journal of Refugee Studies*, 25(1): 50–70.

Collins, A. (2002) "Burma's civil war: A case of societal security", *Civil Wars*, 5(4): 119–134.

Constantine, G. (2012) "Between Burma and Bangladesh: Rohingya, a Stateless People", *Pulitzer Center*, 18 April. Available online at https://pulitzercenter.org/reporting/between-burma-and-bangladesh-rohingya-stateless-people (accessed 9 July 2019).

Corr, A. (2016) "Secret 1978 Document Indicates Burma Recognized Rohingya Legal Residence", *Forbes*, 29 December. Available online at https://www.forbes.com/sites/anderscorr/2016/12/29/secret-1978-document-indicates-burma-recognized-rohingya-legal-residence/#3cc89605a795 (accessed 9 July 2019).

Department of Population (2015) *The 2014 Myanmar Population and Housing Census Rakhine State Census Report Volume 3-K*. Nay Pyi Taw: Ministry of Immigration and Population.

Dhaka Tribune Desk (2017) "Rohingya Repatriation Deal: What We Know", *Dhaka Tribune*, 26 November. Available online at https://www.dhakatribune.com/bangladesh/2017/11/26/rohingya-repatriation-deal-know/ (accessed 10 July 2019).

Dubow, S. (2014) *Apartheid 1948–1994*. Oxford: Oxford University Press.

The Economist. (2002) "Ne Win", *The Economist*, 12 December. Available online at http://www.economist.com/node/1491554 (accessed 9 July 2019).

Egreteau, R. (2008) "India's Ambitions in Burma: More Frustration Than Success?", *Asian Survey*, 48(6): 936–957.

Egreteau, R. (2014) "The Idealization of a Lost Paradise: Narratives of Nostalgia and Traumatic Return Migration among Indian Repatriates from Burma since the 1960s", *Journal of Burma Studies*, 18(1): 137–180.

Ellis-Petersen, H. (2018) "From Peace Icon to Pariah: Aung San Suu Kyi's Fall from Grace", *The Guardian*, 23 November. Available online at https://www.theguardian.com/world/2018/nov/23/aung-san-suu-kyi-fall-from-grace-myanmar (accessed 14 August 2019).

Ferrie, J. and Aung Hla Tun (2014, July 22) "Myanmar Opposition Party Says 5 Million Sign Petition To Change Constitution", *Reuters*, 22 July. Available online at https://www.reuters.com/article/us-myanmar-constitution/myanmar-opposition-party-says-5-million-sign-petition-to-change-constitution-idUSKBN0FR0XT20140722 (accessed 9 July 2019).

Freeman, J. (2017) "Can Anyone Stop Burma's Hardline Buddhist Monks?", *The Atlantic*, 6 September. Available online at https://www.theatlantic.com/international/archive/2017/09/can-anyone-stop-burmas-hardline-buddhist-monks/538992/ (accessed 9 July 2019).

Green, P. and Ward, T. (2004) *State Crime: Governments, Violence and Corruption*. London: Pluto Press.

Green, P., MacManus, T. and de la Cour Venning, A. (2015) *Countdown to Annihilation: Genocide in Myanmar*. London: International State Crime Initiative.

Green, P., MacManus, T. and de la Cour Venning, A. (2018) *Genocide Achieved, Genocide Continues: Myanmar's Annihilation of the Rohingya*. London: International State Crime Initiative.

Gordon, N. (2017) "How Israel's Occupation Shifted From a Politics of Life to a Politics of Death", *The Nation*, 5 June. Available online at https://www.thenation.com/article/israels-occupation-shifted-politics-life-politics-death/ (accessed 10 June 2019).

Hall, D.G.E. (1950) *Burma*. London: Hutchinson's University Library.

Haque, M. M. (2017) "Rohingya Ethnic Muslim Minority and the 1982 Citizenship Law in Burma", *Journal of Muslim Minority Affairs*, 37(4): 454–469.

Holliday, I. (2014) "Addressing Myanmar's Citizenship Crisis", *Journal of Contemporary Asia*, 44(3): 404–421.

Holmes, O. (2017) "Myanmar Signs Pact with Bangladesh Over Rohingya Repatriation", *The Guardian*, 23 November. Available online at https://www.theguardian.com/world/2017/nov/23/myanmar-signs-pact-with-bangladesh-over-rohingya-repatriation (accessed 8 July 2019).

Holmes, R. (1967) "Burmese Domestic Policy: The Politics of Burmanization", *Asian Survey*, 7(3): 188–197.

Htoo Thant. (2016). "Mone Wun (Bamar) National Cards Debated", *Myanmar Times*, 5 May. Available online at http://www.mmtimes.com/index.php/national-news/20123-mone-wun-bamar-national-cards-debated.html (accessed 9 July 2019).

Human Rights Watch (1996) "Burma: The Rohingya Muslims: Ending a Cycle of Exodus?", *Human Rights Watch*, 1 September. Available online at https://www.refworld.org/docid/3ae6a84a2.html (accessed 9 July 2019).

Human Rights Watch (2000) "Burmese Refugees in Bangladesh: Still No Durable Solution", *Human Rights Watch*, May. Available online at https://www.hrw.org/reports/2000/burma/index.htm (accessed 9 July 2019).

Human Rights Watch (2008) "China's Forbidden Zones", *Human Rights Watch*, 6 July. Available online at https://www.hrw.org/report/2008/07/06/chinas-forbidden-zones/shutting-media-out-tibet-and-other-sensitive-stories (accessed 10 July 2019).

Human Rights Watch (2012) "The Government Could Have Stopped This", *Human Rights Watch*, 31 July. Available online at https://www.hrw.org/report/2012/07/31/government-could-have-stopped/sectarian-violence-and-ensuing-abuses-burmas-arakan (accessed 8 July 2019).

Human Rights Watch (2013) "'AllYou Can Do Is Pray': Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State", *Human Rights Watch*, April. Available online at https://www.hrw.org/sites/default/files/reports/burma0413webwcover_0.pdf (accessed 8 July 2019).

Human Rights Watch (2015) "Burma: Amend Biased Citizenship Law", *Human Rights Watch*. Available online at https://www.hrw.org/news/2015/01/13/burma-amend-biased-citizenship-law (accessed 9 July 2019).

Human Rights Watch (2018) "UN Security Council: Refer Myanmar to ICC", *Human Rights Watch*, 8 May. Available at https://www.hrw.org/news/2018/05/08/un-security-council-refer-myanmar-icc (accessed 8 July 2019).

Ibrahim, A. (2016) *The Rohingyas: Inside Myanmar's Genocide*. London: Hurst.

International Criminal Court (ICC) (2011) *Rome Statute of the International Criminal Court*. The Hague: International Criminal Court.

International Criminal Court (ICC) (2018a) "ICC Pre-Trial Chamber I Rules that the Court May Exercise Jurisdiction over the Alleged Deportation of the Rohingya People from Myanmar to Bangladesh", *International Criminal Court*, 6 September. Available online at https://www.icc-cpi.int/Pages/item.aspx?name=pr1403 (accessed 8 July 2019).

International Criminal Court (ICC) (2018b) "Statement of ICC Prosecutor, Fatou Bensouda, on Opening a Preliminary Examination Concerning the Alleged Deportation of the Rohingya People

from Myanmar to Bangladesh", *International Criminal Court*, 18 September. Available online at https://www.icc-cpi.int/Pages/item.aspx?name=180918-otp-stat-Rohingya (accessed 8 July 2019).

International Criminal Court (ICC) (2019) "ICC Presidency Assigns the Situation in Bangladesh/Myanmar to Pre-Trial Chamber III", *International Criminal Court*, 26 June. Available online at https://www.icc-cpi.int/Pages/item.aspx?name=pr1461 (accessed 8 July 2019).

International Crisis Group (2013) *The Dark Side of Transition: Violence Against Muslims in Myanmar*. Brussels: International Crisis Group.

IRIN (2013) "Activists Call for Review of Myanmar's Citizenship Law", *IRIN*, 3 May. Available online at http://www.irinnews.org/feature/2013/05/03/activists-call-review-myanmar%E2%80%99s-citizenship-law (accessed 9 July 2019).

Islam, N. (2012) "Muslim Influence in the Kingdom of Arakan", *Arakan Rohingya National Organisation*, 13 January. Available online at http://www.rohingya.org/portal/index.php/scholars/65-nurul-islam-uk/293-muslim-influence-in-the-kingdom-of-arakan.html (accessed 9 July 2019).

Kean, T. and Aung Kyaw Min. (2015) "President Backtracks on White Cards", *Myanmar Times*, 13 February. Available online at https://www.mmtimes.com/national-news/13106-president-backtracks-on-white-cards.html (accessed 9 July 2019).

King, C. (2001) "Saudi Arabia's Apartheid", *The Washington Post*, 22 December. Available online at https://www.washingtonpost.com/archive/opinions/2001/12/22/saudi-arabias-apartheid/6dc54ab8-37bc-4a87-86f4-c0b489fc8b8e/?noredirect=on&utm_term=.cf363c221867 (accessed 10 July 2019).

Kramer, T. (2015) "Ethnic Conflict and Land Rights in Myanmar", *Social Research: An International Quarterly*, 82(2): 355–374.

Lawi Weng. (2015, March 9) "Winners and Losers of the White Card's Demise", *The Irrawaddy*, 9 March. Available online at https://www.irrawaddy.com/news/burma/winners-and-losers-of-the-white-cards-demise.html (accessed 9 July 2019).

Lee, R. (2014) "A Politician, Not an Icon: Aung San Suu Kyi's Silence on Myanmar's Muslim Rohingya", *Islam and Christian-Muslim Relations*, 25(3): 321–333.

Lee, R. (2019) "Extreme Speech in Myanmar: The Role of State Media in the Rohingya Forced Migration Crisis", *International Journal of Communication*, 13(2019): 3203–3224.

Lintner, B. (2017) "A Question of Race in Myanmar", *Asia Times*, 3 June. Available online at http://www.atimes.com/article/question-race-myanmar/ (accessed 9 July 2019).

Lwin, N. S. (2012) "Making Rohingya Statelessness", *New Mandala*, 29 October. Available online at http://www.newmandala.org/making-rohingya-statelessness/ (accessed 9 July 2019).

Médecins Sans Frontières-Holland (2002) "10 Years for the Rohingya Refugees in Bangladesh: Past, Present and Future", Médecins Sans Frontières-Holland, March. Available online at http://www.rna-press.com/data/itemfiles/5ae98e43d068cb749b3060b002601b95.pdf (accessed 9 July 2019).

Myanmar Information Management Unit (2014) "The 2014 Myanmar Population and Housing Census". Available online at http://www.themimu.info/census-data (accessed 9 July 2019).

Myint-U, T. (2007) *The River of Lost Footsteps*. London: Faber and Faber.

Nichols, M. (2018) "China Fails to Stop U.N. Security Council Myanmar Briefing", *Reuters*, 24 October. Available at https://www.reuters.com/article/us-myanmar-rohingya-un/china-fails-to-stop-un-security-council-myanmar-briefing-idUSKCN1MY2QU (accessed 8 July 2019).

Nyan Hlaing Lynn and Kean, T. (2016) "Untangling the Rakhine Citizenship Mess", *Frontier Myanmar*, 3 June. Available online at https://frontiermyanmar.net/en/untangling-the-rakhine-citizenship-mess (accessed online 9 July 2019).

Oberoi, P. (2006) *Exile and Belonging: Refugees and State Policy in South Asia*. Oxford: Oxford University Press.

Office of the Prosecutor (2018) "Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute", *International Criminal Court*, 9 April. Available online at https://www.icc-cpi.int/courtrecords/cr2018_02057.pdf (accessed 8 July 2019).

OHCHR (2017) "Myanmar: UN Security Council Must Act on Rohingya Crisis – UN expert", *OHCHR*, 26 October. Available online at https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22307&LangID=E (accessed 9 July 2019).

OHCHR (2019) "Right to a Nationality and Statelessness". Available online at https://www.ohchr.org/EN/Issues/Pages/Nationality.aspx (accessed 5 August 2019).

Parnini, S.N. (2013) "The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh", *Journal of Muslim Minority Affairs*, 33(2): 281–297.

Peck, G. (2017) "Myanmar Rohingya Hatred Has Roots in Buddhist Nationalism", *Associated Press*, 29 September. Available online at https://apnews.com/bcf889617f2341e5888019937595431d (accessed 9 July 2019).

Phayre, A. (1883) *History of Burma*. London: Trübner & Co.

Physicians for Human Rights (2016) "Where There is Police, There is Persecution – Government Security Forces and Human Rights Abuses in Myanmar's Northern Rakhine State", *Physicians for Human Rights*, October. Available online at https://s3.amazonaws.com/PHR_Reports/Burma-Rakhine-State-Oct-2016.pdf (accessed 9 July 2019).

Pittaway, E. (2008) "The Rohingya Refugees in Bangladesh: A Failure of the International Protection Regime", in H. Adelman, ed., *Protracted Displacement in Asia: No Place to Call Home*. Farnham: Ashgate.

Pitzer, A. (2017). *One Long Night: A Global History of Concentration Camps*. New York: Little, Brown & Company.

Pre-Trial Chamber I (2018). "Decision on the "Prosecution's Request for a Ruling on Jurisdiction Under Article 19(3) of the Statute", *International Criminal Court*, 6 September. Available online at https://www.icc-cpi.int/CourtRecords/CR2018_04203.PDF (accessed 8 July 2019).

Pre-Trial Chamber III (2019) "Request for Authorisation of an Investigation Pursuant to Article 15", *International Criminal Court*, 4 July. Available online at https://www.icc-cpi.int/CourtRecords/CR2019_03510.PDF (accessed 8 July 2019).

Quinley, J. (2019) "#Myanmar and #ASEAN continue to push NVC Process. Rohingya I have spoken with reject the NVC saying they already are citizens of Myanmar", 30 July 2019. Tweet. Available online at https://twitter.com/johnquinley3/status/1156085120882757632 (accessed 14 August 2019).

Radio Free Asia (2012) "Call to Put Rohingya in Refugee Camps", *Radio Free Asia*, 12 July. Available online at https://www.rfa.org/english/news/rohingya-07122012185242.html (accessed 9 July 2019).

Ragland, T.K. (1994) "Burma's Rohingyas in Crisis: Protection of Humanitarian Refugees under International Law Notes", *Boston College Third World Law Journal*, 14(2): 301–336.

Renshaw, C. (2017) "Myanmar's Oppressed Muslims Face Ethnic Cleansing: Never Again?", *The Globe Post*, 3 September. Available online at https://theglobepost.com/2017/09/03/myanmar-rohingya-genocide-muslim/ (accessed 10 July 2019).

Renshaw, C., Lee, R. and Roose, J. (2017). "Four Steps Australia Must Take to Address Ethnic Cleansing in Myanmar", *New Matilda*. Available online at https://newmatilda.com/2017/11/17/four-steps-australia-must-take-to-address-ethnic-cleansing-in-myanmar/ (accessed 10 July 2019).

Reuters (2017) "China, Russia Block U.N. Council Concern About Myanmar Violence", *Reuters*, 17 March. Available at https://www.reuters.com/article/us-myanmar-rohingya-un/china-russia-block-u-n-council-concern-about-myanmar-violence-idUSKBN16O2J6 (accessed 8 July 2019).

Republic of the Union of Myanmar (2008) *Constitution of the Republic of the Union of Myanmar*. Nay Pyi Taw: Ministry of Information.

Roth, R. (2017) "UN Security Council Finally Losing Patience with Myanmar", *CNN*, 29 September. Available at https://edition.cnn.com/2017/09/28/asia/myanmar-un-security-council/index.html (accessed 9 July 2019).

Roughneen, S. (2015) "Constitutional Change First Item for Likely NLD Government", *Nikkei Asian Review*, 11 November. Available online at https://asia.nikkei.com/Politics/Constitutional-change-first-item-for-likely-NLD-government (accessed July 9 2019).

Safi, M. (2017) "Aung San Suu Kyi Defends her Handling of Myanmar Violence", *The Guardian*, 7 September. Available online at https://www.theguardian.com/world/2017/sep/07/aung-san-suu-kyi-defends-handling-myanmar-violence-rohingya (accessed 8 July 2019).

Safi, M. (2018) "ICC Says It Can Prosecute Myanmar for Alleged Rohingya Crimes", *The Guardian*, 6 September. Available online at https://www.theguardian.com/world/2018/sep/06/icc-says-it-can-prosecute-myanmar-for-alleged-rohingya-crimes (accessed 8 July 2019).

Siddiqui, H. (2008) *The Forgotten Rohingya Their Struggle for Human Rights in Burma*. (n.p.): Author.

Siddiqui, Z. (2018) "Exclusive: Rohingya Repatriation, Relocation Plans Set To Be Pushed Back to 2019 – Government Official", *Reuters*, 18 November. Available at https://uk.reuters.com/article/uk-myanmar-rohingya-bangladesh-exclusive/exclusive-rohingya-repatriation-relocation-plans-set-to-be-pushed-back-to-2019-government-official-idUKKCN1NN0FI (accessed 8 July 2019).

Slim, W. (1956) *Defeat Into Victory*. London: Cassell & Company.

Smith, M. (1991) *Burma: Insurgency and Politics of Ethnicity*. London: Zed Books.

Smith, M. and Allsebrook, A. (1994) *Ethnic Groups in Burma: Development, Democracy and Human Rights*. London: Anti-Slavery International.

Socialist Republic of the Union of Burma (1974) "The Constitution of the Union of Burma (1974)". Available online at http://www.burmalibrary.org/docs07/1974Constitution.pdf (accessed 9 July 2019).

Socialist Republic of the Union of Burma (1982) "Burma Citizenship Law". Available online at http://www.refworld.org/docid/3ae6b4f71b.html (accessed 9 July 2019).

South, A. (2008) *Ethnic Politics in Burma: States of Conflict*. London: Routledge.

Steinberg, D. (2010) *Burma/Myanmar What Everyone Needs to Know*. Oxford: Oxford University Press.

Tahir Ba Tha. (2007) "A Short History of Rohingya and Kamans of Burma", *Kaladan Press Network*, 13 September. Available online at http://www.kaladanpress.org/index.php/scholar-column-main menu-36/arakan/872-a-short-history-of-rohingya-and-kamas-of-burma.html (accessed 9 July 2019).

Taylor, R. (2009) *The State in Myanmar*. Singapore: NUS Press.

Taylor, R. (2015) "Refighting Old Battles, Compounding Misconceptions: The Politics of Ethnicity in Myanmar Today", *ISEAS Perspective*, 2 March. Available online at https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2015_12.pdf (accessed 9 July 2019).

Turnell, S. and Vickary, A. (2008) "Parching the Land: The Chettiars in Burma", *Australian Economic History Review*, 48(1): 1–25.

UN (1948) "Universal Declaration of Human Rights". Available online at http://www.un.org/en/universal-declaration-human-rights/ (accessed 5 August 2019).

UN General Assembly (1948) "Convention on the Prevention and Punishment of the Crime of Genocide". Available online at https://treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf (accessed 10 July 2019).

UN General Assembly (1973) "International Convention on the Suppression and Punishment of the Crime of Apartheid". Available online at https://treaties.un.org/doc/Publication/UNTS/Volume%201015/volume-1015-I-14861-English.pdf (accessed 10 July 2019).

UN Human Rights Council (2018) "Myanmar: UN Fact-Finding Mission releases its full account of massive violations by military in Rakhine, Kachin and Shan States", *UN Human Rights Council*, 18 September. Available online at https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23575&LangID=E, (accessed 8 July 2019).

UN News (2017) "UN human rights chief points to 'textbook example of ethnic cleansing' in Myanmar", *UN News*, 11 September. Available online at https://news.un.org/en/story/2017/09/564622-un-human-rights-chief-points-textbook-example-ethnic-cleansing-myanmar (accessed 8 July 2019).

UN Office of the High Commissioner of Human Rights (2019) "UN Office of the High Commissioner of Human Rights", *UN Office of the High Commissioner of Human Rights*, 9 July. Available online at https://www.ohchr.org/en/hrbodies/sp/countriesmandates/mm/pages/srmyanmar.aspx (accessed 9 July 2019).

Union of Burma (1947) "Constitution of the Union of Burma (1948)". Available online at https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/79573/85699/F1436085708/MMR79573.pdf

Union of Burma (1948) "Union Citizenship Act (1948)". Available online at http://www.ibiblio.org/obl/docs/UNION_CITIZENSHIP_ACT-1948.htm (accessed 9 July 2019).

Wade, F. (2017) *Myanmar's Enemy Within: Buddhist Violence and the making of a Muslim 'Other'*. London: Zed Books.

Wallace, J. (2016) "Myanmar Casts Minorities to the Margins as Citizenship Law Denies Legal Identity", *The Guardian*, 3 November. Available online at https://www.theguardian.com/global-development/2016/nov/03/myanmar-casts-minorities-to-margins-citizenship-law-denies-legal-identity (accessed 9 July 2019).

Walton, M. (2013) "The 'Wages of Burman-ness:' Ethnicity and Burman Privilege in Contemporary Myanmar", *Journal of Contemporary Asia*, 43(1): 1–27.

Ye Mon. (2016). "Chinese Minority To Get 'Bamar' Designation", *Myanmar Times*, 30 March. Available online at http://www.mmtimes.com/index.php/national-news/19717-chinese-minority-to-get-bamar-designation.html (accessed 9 July 2019)

Yegar, M. (1972) *The Muslims of Burma: A Study of a Minority Group*. Weisbaden: Otto Harrassowitz.

Yegar, M. (2002) *Between Integration and Secession: The Muslim Communities of the Southern Philippines, Southern Thailand, and Western Burma/Myanmar*. Lanham: Lexington Books.