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ABSTRACT

STATELESSNESS AND THE SOCIAL CONSTRUCTION OF ROHINGYA'S CITIZENSHIP RIGHTS IN MYANMAR

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Northern Illinois University, 2025
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The Rohingya's statelessness is a result of their systematic exclusion from protection mechanisms and citizenship rights. The Burmese government and the majority Buddhist population have marginalized and discriminated against the Rohingya, deeply impacting identity politics among the Rohingya. Due to their lack of a national identity document in Myanmar, the Rohingya are easy targets for discrimination and violence. The fact that they are not considered full citizens has also made it hard for them to receive essential support. My thesis carefully analyzes how dominant narratives, legal instruments, and bureaucratic mechanisms systematically excluded Rohingya from citizenship rights in Myanmar as well as the nexus between citizenship rights denial and the human rights violation. To understand the social construction of citizenship, the Rohingya's struggle for recognition, and their lived experience of statelessness, this study employs the theoretical approach of social construction. It also unmasks how dominant narratives, power relations, and legal and bureaucratic mechanisms were weaponized systematically to exclude Rohingya from Myanmar's citizenship framework. Moreover, the findings of the study delineate the Rohingya population's lack of human rights because of their statelessness. The

findings also reveal the process of constructing Rohingya as "illegal immigrants" or "foreigners" and the sense of self and belonging of the Rohingya. Understanding the challenges of constructing citizenship may help to promote and protect equality and justice for the Rohingya community, addressing the underlying factors of this severe human rights crisis.

NORTHERN ILLINOIS UNIVERSITY
DEKALB, ILLINOIS

AUGUST 2025

STATELESSNESS AND THE SOCIAL CONSTRUCTION OF ROHINGYA'S CITIZENSHIP RIGHTS IN MYANMAR

BY
MD IMAMUL HOSSAIN
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A THESIS SUBMITTED TO THE GRADUATE SCHOOL

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS

FOR THE DEGREE

MASTER OF ARTS

DEPARTMENT OF SOCIOLOGY

Thesis Director:
Abu Bakarr Bah

ACKNOWLEDGEMENTS

To begin with, I would like to convey my heartfelt thanks and gratitude to my thesis supervisor, Dr. Abu Bakarr Bah, for his insightful guidance and persistent support throughout my thesis journey. Dr. Bah's valuable feedback and expertise were instrumental in shaping the direction of my thesis. Moreover, I would like to extend my sincere thanks to the rest of my thesis committee members, Dr. Kristopher Robison and Dr. Robert Orrange, for their thoughtful suggestions that greatly improved the quality of my thesis. My special thanks to Dr. Diane M. Rodgers for her unwavering support and assistance during my study at Northern Illinois University.

Lastly, I want to express my gratitude to my family, whose patience, constant love, and understanding have given me courage and motivation during this academic endeavor. Especially to my wife and younger brother, Md Roknuzzaman, your faith in me has been a beacon of hope.

DEDICATION

I dedicate this thesis to my parents, especially my late father, Md Nazrul Islam, who lit the light of higher education during my childhood.

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CHAPTER 1

INTRODUCTION

The Rohingya, as one of the most persecuted and ignored religious and ethnic minorities living in Myanmar's Rakhine state, have been facing a systematic denial of their citizenship and human rights, especially since 1982 (Riley, et al., 2020). This has rendered them vulnerable to severe human rights violations and statelessness. This denial derives from sociopolitical and historical factors and is kindled by dominant narratives and systematic exclusion process of Myanmar government (Islam, 2019) that delineate Rohingya as unworthy of citizenship and outsiders. The Rohingya citizenship crisis began the moment they were rendered stateless in Myanmar. Without a valid form of identification, and a country of citizenship many Rohingya face significant obstacles when trying to secure political asylum (Nolos, 2019).

Drawing on social construction theory, this study analyzes how the Rohingya people's identity is constructed and how the Burmese government intentionally excludes them. This theoretical framework sheds light on the underlying causes of the Rohingya's denial of citizenship rights and how they struggle to safeguard their identity in the face of systematic oppression (Das et al., 2024). This research also seeks to elucidate the impacts of social identity and power relations on the Rohingya community. The portrayal of the Rohingya as "foreigners" or "illegal immigrants" has been pivotal in their exclusion from Myanmar's social and political domains (Blumer 1969; Klem 2018). Not only is their legal status stripped away, but their feeling of self and belonging is

also undermined by this exclusion (Du Bois 1903; Jones 2021). After the enactment of the 1982 Citizenship Act, the Rohingya and other ethnic minorities, such as Gurkhas, Tamils and ethnic Chinese (Institute on Statelessness and Inclusion 2021:2), were systematically excluded from the classification of "national races" and deprived of full citizenship rights. The primary eight national races are Burman, Arakanese, Chin, Karen, Kachin, Karenni, Mon, and Shan (Human Rights Watch 2013:118).

The Rohingya Crisis: History and Context

Ancestral Roots of Rohingya Muslim Minority Group

The Rohingya have ties to the indigenous people of Rakhine State and the Chittagonian people across the border in Bangladesh due to shared histories, languages, and cultures. They also owe much of their ancestry to the numerous Muslim communities that have traveled through or settled in the strategic trading area along Rakhine State's coast, which is less theocentric than the rest of the country (Gutman, 2001). For generations, the Rohingya had lived in the Rakhine region, even before Myanmar was established as a modern post-colonial nation-State in 1948. Some scholars trace their roots in Arakan to the 15th century. The word Rohingya itself indicates to the place they claim their home, as Council on Foreign Relations states Rohang come from the word Arakan, in the Rohingya dialect, and gya or ga means “from” (Specia, 2017). These antecedents predate the establishment of modern-day racial and ethnic classifications in Myanmar. Nonetheless, Myanmar's Rohingya and their Muslim ancestry are mainly denied today (Myanmar’s Muslim Minority, n.d.). Moreover, Myanmar's history books are skeptical of accounts of Islamic influence in the Rakhine State.

Historical Context and Current Scenario

The Rohingya are a religious and ethnic minority who originally hail from state of Rakhine, which is currently enclosed by the Myanmar borders and is contiguous to Bangladesh. Since most Rohingya in Myanmar had their citizenship taken from them arbitrarily in 1982 (Refugees, n.d.-a), they have lived as de facto stateless people ever since. Approximately 1.4 million Rohingya live in Rakhine State, with the majority living in the state' northern part (Ten Years for the Rohingya Refugees, n.d.). Most of the remaining population resides in the minority enclaves of Rakhine State.

In addition, more than a million Rohingya are estimated to be living as refugees and migrants outside Myanmar (most of them without legal status). Over the past 40 years, the Rohingya populations have been endured discrimination, marginalization, abuse, and the arbitrary denial of their citizenship in Myanmar. After becoming world's most persecuted and marginalized community, the Rohingya have fled to distant lands in search of safety (Crimes against Humanity in Western Burma, n.d.). Due to large-scale, state-sponsored violence, the Rohingya people have fled Myanmar into Bangladesh and beyond on four distinct exoduses in the last four decades. These exoduses occurred in 1978, 1992, 2012-2013 and 2017 respectively.

Although there have also been large-scale migrations to countries including Bangladesh, India, Malaysia, Pakistan, Thailand, and Saudi Arabia, the majority's hardship did not end with their arrival on new territory. Many Rohingya migrants are forced to live in poverty, work illegally, and have no legal protection from discrimination, violence, exploitation, or deportation because they are not recognized as refugees. Additionally, they cannot gain international support because

of their lack of unity and legal documents (Parnini, 2013). The UNHCR report stated that, systemic persecution has undermined the collective representation of Rohingya, leaving them “divided by geographic dispersal, internal power struggles, and a lack of centralized leadership” (UNHCR 2017). Likewise, a Rohingya community leader mentioned the same thing in an interview by Human Rights Watch.

“We are scattered across borders, unable to speak with one voice” (Human Rights Watch 2017). The unity of the Rohingya people means in this context, their coordinated advocacy mechanisms to challenge Myanmar’s exclusionary policies. Hence, the Rohingya's lack of unity resulted in their being labeling as “the world's most ignored and persecuted minority by united nations” (Phillips, 2013). Among the worst crimes a country can conduct against its citizens is ethnic cleansing, which is being committed by Myanmar's authority against the Rohingya (Bieber, 2008). Still, the international community and Myanmar government are not doing enough addressing the issue. The Rohingya humanitarian crisis in Myanmar demands prompt attention from Myanmar's government, and the international authority must exert coordinated and calculated diplomatic pressure against Myanmar to make that happen.

Statement of the Problem

The Rohingya citizenship crisis began the moment they were rendered stateless in 1982. In this condition, one has neither a permanent residence nor a recognizable sense of self. The ability to participate in political processes, hold public offices, and earn a living is contingent on one's citizenship. Without a valid form of identification, and a country of citizenship many Rohingya face significant obstacles when trying to secure political asylum (Nolos, 2019). This leaves them

without access to necessities like food, medical treatment, and civil and political rights. Myanmar has purposefully convoluted citizenship requirements. Since the Rohingya denied citizens in Myanmar, they cannot vote or participate in any other form of political participation. They are also barred from taking part in any national decision-making.

On the other hand, the Rohingya people are considered a burden in Bangladesh because of its high poverty rate. In Bangladesh 20% of the overall population lives below the poverty line (ralph, 2022). As a result, the Rohingya and their children are not receiving the social, medical, or healthcare opportunities that Bangladesh could otherwise provide.

Additionally, the Buddhist community has almost eradicated the Muslim community from Myanmar, particularly Arakan, by indicting the Rohingya as illegal Bangladeshi immigrants. The Rohingya have been facing persecution for a long time in the form of confiscation of land property, forced labor, detention, torture, rape, killing, and destruction of houses and religious institutions. The recent dire and brutal attacks in August 2017 by the Buddhist communities killed thousands of Rohingya Muslims and displaced more than 1 million (Rohingya Refugee Crisis Explained, n.d.). So, it is blatant that communal hatred, hostility, envy, and resentment are working in Myanmar as a stimulus for communal violence, which ultimately forces large numbers of Rohingya to flee to Bangladesh.

CHAPTER 2

THEORETICAL FRAME, RESEARCH QUESTIONS, AND METHODOLOGY

As one of the prolonged and most complicated humanitarian crises in Southeast Asia, the Rohingya issue has been the subject of much academic interest, with numerous studies examining the underlying causes and ongoing impacts of this crisis. Scholars have examined the forced migration, systematic exclusion and statelessness of the Rohingya population, through different sociopolitical, historical and theoretical lenses (Ansar, 2020; Mohajan, 2020; Sahana et al., 2019; Farzana, 2017). Nonetheless, a substantial research vacuum still exists regarding the Rohingya's social construction of identity, rights, and sense of belonging as citizens of Myanmar. In order to lay the groundwork for further investigation of these topics, this review integrates theoretical frameworks, discussion about citizenship and statelessness, and case-specific studies of the Rohingya crisis.

The idea of social construction provides a theoretical paradigm to conceptualize how identities and narratives are constructed and reproduced through societal structures and power relations. In their work Berger and Luckmann (1966), posit that people actually build reality within social contexts hence identity as a construct reflects the socio-cultural reality of human society (Berger and Luckmann, 1966). This perspective is useful to explain the exclusionary discourses that have been constructed around the Rohingya. In “Imagined Communities,” Anderson (2006) analyzes the function of nationalism in the formation of both inclusive and exclusionary identities (Anderson, 2006). The Rohingya's exclusion from Myanmar's national identity can be analyzed

from the perspective of the nation-state, which delineates membership by specifying who is included and who is excluded. Gellner (1983) discusses how nationalism creates artificial boundaries, reflecting how Myanmar seeks to eliminate all evidence of the Rohingya's ancestral connection to Rakhine (Gellner, 1983). Said's (1978) book "Orientalism" outlines that the construction of "the other" perpetuates social segregation and marginalization (Said, 1978). This theory also fits the Rohingya for whom are called 'illegal immigrants' or 'foreigners' that reaffirms their non-citizenship. Moreover, Yuval-Davis (1997) contributes to this discourse by analyzing the intersection of national and gender identities, providing an in-depth analysis of the exclusion experienced by Rohingya women (Yuval-Davis, 1997).

Additionally, statelessness and citizenship have become an academic discourse that offers the needed insights into the Rohingya's plight. The work of Arendt, particularly in "The Origins of Totalitarianism" (1951), views statelessness as an absolute denial of rights, which removes someone's "right to have rights" (Arendt, 1951). Indeed, the statelessness of the Rohingya had been institutionalized with Myanmar's Citizenship Law in 1982. Blitz and Lynch (2011) analyze the advantages of citizenship and the dire repercussions of its absence, offering comparative views that underscore the precarious circumstances of the Rohingya (Blitz and Lynch, 2011). Van Waas (2008) and Batchelor (1998) examine the inadequacies of international legal frameworks in tackling statelessness, particularly in instances where nation-states deliberately continue exclusion (Waas, 2008); Batchelor, 1998). Meanwhile, Weissbrodt and Collins (2006) present a thorough examination of the human rights consequences of statelessness, highlighting the necessity for strong international accountability to protect vulnerable groups like the Rohingya (Weissbrodt, et al., 2006).

Historical and sociopolitical factors have a significant role in the marginalization of the Rohingya. Farzana (2017) argues in her book "Memories of Burmese Rohingya Refugees: Contested Identity and Belonging" that Rohingya's identity is fluid and contested, shaped by various external factors as well as influenced by colonial and postcolonial legacies (Farzana, 2017). Mamdani (1996), in “Citizen and Subject”, furthered this argument by showing how colonial governance structures established exclusionary policies that persistently affect contemporary nation-states such as Myanmar (Mamdani, 1996). Ibrahim’s (2016) "The Rohingyas: Inside Myanmar’s Hidden Genocide" provides an overview of the historical and political perspectives necessary to understand why the Rohingya has been marginalized (Ibrahim, 2016). Analyzing the critical approach of Rohingya identity construction, Leider (2018) also points out how state-sponsored discourses have undermined their claim of historical ties with Rakhine (Leider, 2018).

There is a lot of discussion in the literature about how identity politics influence exclusionary practices. Theoretical frameworks for comprehending the construction and maintenance of identities are offered by Hall (1997) in "Representation: Cultural Representations and Signifying Practices" and Wimmer (2013) in "Ethnic Boundary Making" (Hall, 1997; Wimmer, 2013). These ideas are essential for grasping the mechanisms, by which the process of the Rohingya’s marginalization from the Myanmar sociopolitical context has occurred. Using Blumer’s (1969) work on symbolic interactionism, it will be understood further how perceptions socially remain a catalyst for exclusionary practice (Blumer, 1969). Said’s (1978) “Orientalism” is also relevant in that it also points out how symbols are used to create “the other,” making the Rohingya permanently alien (Said, 1978).

While there is indeed a historical, legal, and socio-political contribution of existing studies in understanding the reasons behind the exclusion of the Rohingya, a focus with regard to the combination of social construction, identity, and lived experience remains deficient. The gap is especially noticeable when it comes to comprehending how the Rohingya's exclusion is shaped by dominant narratives and power relations, as well as how they navigate and challenge these structures.

Fundamental Concepts of Social Construction Theory

Peter L. Berger and Thomas Luckmann, in their prominent book, The Social Construction of Reality (1966), argue that reality is not objective or inherent but socially constructed and sustained by continuous interactions among individuals. They posit that the world as "real" people live in is a product of social processes, institutions, and shared knowledge of a given society (Berger & Luckmann, 1966). Their position emphasizes that reality is constructed by social interaction and sustained through shared acceptance over time.

One of the key elements of their theory is the three-step social construction process, such as externalization, objectivation, and internalization. Externalization is the process by which people, depending on their experiences, generate cultural products, norms, ideas, and institutions. When these human works adopt an apparently autonomous and objective existence and seem to be part of an external reality, they create objectivity. Lastly, internalization is how individuals accept these constructed realities as natural and unproblematic and incorporate them into their identities and world views (Berger & Luckmann, 1966). Institutionalization is another fundamental principle in the theory, or the habitual interaction that produces enduring social structures and

norms. These trends create institutions over time, for instance, family, education, and law, among others that shape and control human behavior (Berger & Luckmann, 1966). As they gain legitimacy, they become rooted in society, shaping how individuals understand and navigate their social world.

Additionally, Berger and Luckmann present the concept of legitimation, which describes the method by which social institutions uphold continuity and defend their power. This is done through narratives, traditions, and knowledge systems, which confirm their existence and usefulness. Legal systems, for example, rely on laws and rules; religious institutions rely on doctrines and scripture to prove their validity (Berger & Luckmann, 1966). Another fundamental idea is habitualization, which helps to explain how often occurring social events turn into ingrained habits. As people repeat some things over and over, they turn into habits that make life easy and less complicated. These habits therefore help to shape the idea that social structures are natural and unchangeable (Berger & Luckmann, 1966).

Furthermore, the theory examines the concept of the symbolic universe, which serves as a framework for societies to integrate various institutions and provide justification for their existence. Myths, ideologies, and religious convictions frequently ground these symbolic universes, giving coherence to a society's worldview (Berger & Luckmann, 1966).This broad framework of meaning upholds social order and aids people in understanding their place in the world. Lastly, Berger and Luckmann emphasize the connection between knowledge and power, asserting that knowledge is not equally distributed across society. Different societies have distinct interpretations of reality that are influenced by their social standings, and those in positions of power can manipulate and construct knowledge to ensure their dominance. This indicates that the

concept of "truth" within a society is often determined by those in power, including government, religious figures, and media outlets (Berger & Luckmann, 1966).

Framing

Framing, based on Berger and Luckmann's (1966) social construction theory, is the process by which social groups and organizations use certain lenses to define, interpret, and construct reality. According to Benford and Snow (2000), frames serve as cognitive lenses that identify issues, diagnose causes, and justify specific social realities. Framing influences people's perception of themselves and those around them, helps build their identities, and justifies institutional function. This concept is intricately connected to the symbolic universe articulated by Berger and Luckmann, in which prevailing discourses are legitimized and perpetuated throughout social, political, and legal frameworks. These frames become embedded in policies once they are institutionalized and are often seen as natural by the wider population.

The case of the Rohingya demonstrates the presence of two different and conflicting frames. To begin with, the Myanmar government claims the Rohingya are "foreign", "illegal Bengali immigrants", or "outsiders", which justifies their exclusion from the national races. This frame relies on ethno-nationalist ideology and revisionist history, depicting Myanmar as a nation-state solely for demarcated ethnic groups (Gellner 1983). The government has justified restrictive policies, including the 1982 Citizenship Act and frequent military operations, by framing the Rohingya as a threatening demographic and cultural force (Anderson 2006; Ibrahim 2016). This frame aligns with Edward Said's (1978) theory of Orientalism, where powerful groups attribute marginalized groups as foreign and subordinate.

In contrast, the Rohingya frame themselves as indigenous to the Rakhine state with cultural, religious, and historical ties pre-dating the British colonial period. The assertion of identity is manifested through their ancestry and shared cultural practices (Farzana 2017). This counter-frame aims to achieve acknowledgment not only of their historical existence but also of the injustices and violence they have faced. It focuses on their persecution, suffering, and statelessness in an attempt to mobilize the international community to restore citizenship rights (Yegar 2002). This dichotomy demonstrates that framing is not just a reflection of reality, but it actively constructs it, promoting specific narratives while repressing others. Indeed, framing delineates the parameters of legitimacy, belonging, and access to rights (Snow and Benford 1988). Within Myanmar, the political, legal, and social boundaries of inclusion and exclusion are determined by conflicting identity frames.

Research Questions and Methodology

A set of research questions is required to have a useful guide for conducting research. What this study intends to depict is revealed in the form of research questions. This study outlines one main question followed by two sub-questions.

How is Rohingya citizenship constructed in Myanmar?

- What are the social, legal and political dynamics in the construction of Rohingya citizenship?
- What impact does the social construction of Rohingya's as non- citizens violate their human rights?

This research uses qualitative research methodology employing comparative-historical and content analysis as the primary research method. Comparative-historical and content analysis

would be very effective in investigating systematic exclusion and social construction of Rohingya identity because it would allow the researcher to unmask patterns, themes, and narratives, analyzing texts, documents, and other written materials. This method also enables the data triangulation from multiple sources, thereby increasing the reliability and robustness of the findings. The study's focus on publicly accessible materials entails no human subject or sensitive data collection and therefore does not necessitate IRB approval. This study will use two kinds of data, such as archival materials and secondary sources. Archival materials will act as a primary source of data pertaining to the Rohingya's citizenship rights denial and human rights violations, e.g., government documents, the constitution of Myanmar, official agreements, and reports from government commissions and UN agencies. Likewise, a wide range of publicly accessible documents will be used as secondary sources of data for this research, pertaining to Myanmar's laws and policies on citizenship. For example, published reports of international human rights organizations, including Human Rights Watch, Amnesty International, and the United Nations High Commissioner for Refugees (UNHCR). Peer-reviewed journal articles, books, and conference documents that analyse history, law, and socio-political aspects of the Rohingya crisis. Moreover, newspaper articles and editorials from a range of well-establish newspapers and magazines aim to capture prevailing narratives and representations of the Rohingya.

The theoretical framework of social construction, which draws on the writings of Berger and Luckmann (1966), Said (1978), Anderson (2006), and others, will serve as the guiding principles for the analysis of the study. This framework will be employed to critically analyze how social construction and representation of identities, rights, and processes of exclusion work. Initially, data were coded more systematically to identify repeated themes and patterns that emerged regarding

the social construction of identity, statelessness and citizenship rights. Using a thematic coding strategy, this study categorize data according to themes that reflect key ideas like citizenship rights, statelessness, and identity. Then axial coding will be employed to connect these codes and investigate linkages between diverse themes. This will enable a more thorough understanding of how identity and statelessness are socially constructed within the framework of citizenship. Then, this research will look at how dominant discourses delineate the Rohingya and the role of narratives in cementing their exclusion.

The systematic denial of Rohingya citizenship rights is a multidimensional issue rooted in social constructions of identity, historical prejudice, and unequal power relations. The study will explore the Rohingya's ongoing struggle for identity and recognition, psychosocial impacts of exclusion and lived experience of statelessness through the lens of social construction theory. Understanding the social construction of identity will help to acknowledge Rohingya's agency and resilience and their continuous advocacy for human rights until achieving full citizenship.

Conceptual Understanding

It is essential to make the concepts clear related to this paper in order to erase confusion regarding those concepts. Here are some influential concepts discussed below.

Rohingya

The Rohingya, constituting the world's biggest stateless population of over 3.5 million (Rahman 2024), are a primarily Muslim ethnic minority with ancestral origin in Myanmar's Rakhine State, adjacent to present-day Bangladesh. From 1 to 1.5 million, Rohingya reside in

Rakhine State. The majority of Rohingya people live in the three townships of North Rakhine State: Buthidnung, Maungdaw, and Rnthedmmg (Gutman, 1976). Other Rohingya people live in different enclaves of Rakhine State (Gutman, 1976). Successive government measures have kept the Rohingya largely confined to Rakhine State. However, some Rohingya have made their way to Yangon, the capital of Myanmar, and other cities. Most of the Rohingyas are Muslim, aside from a small number of Hindus and Christians in Rakhine State, making up 4% of Rakhine's overall population (Ahmed et al. 2021). The Rohingyas represented a mere 1% of Myanmar's overall population while accounting for 45% of the nation's total Muslim population (Chan 2017). This assessment was conducted prior to 2017, a year marked by the military government's awful actions against the Rohingyas, resulting in the expulsion of approximately 90% of this population from the country (Ibrahim 2018).

Refugee

The definition of "Refugee" in international law is crucial because it can determine whether a person seeking refuge lives or dies. In common parlance, it refers to a person who is compelled to leave their home due to persecution, civil unrest, starvation, earthquake, or environmental degradation or any reason for which they are not responsible.

Individuals must demonstrate that they meet all four criteria stated by Refugee Convention's Article 1A (2) of the 1951, to qualify as a refugee (Refugees, n.d.-c).

- Firstly, having a "well-founded fear of persecution" implies a mental condition in which there is good reason to worry about facing persecution, along with the fact that such persecution does exist.

- Secondly, "flee across the border of one's country" means seeking asylum in another; refugees must leave their home country or locality, which requires them to pass into a different state physically.
- Thirdly, "discrimination based on race, sex, and religion" denotes that refugees are compelled to leave because they have been subjected to unjust discrimination based on their sex, race, religion, or membership in a political or social group.
- Finally, "unwilling to return to one's country unless safety is guaranteed." This means refugees are unwilling to return unless they are assured that the turmoil that prompted them to leave has ended. This can happen if the UNHCR is convinced that the situation is acceptable enough to allow the refugees to return (McAdam, 2016).

Refugees are forced to leave their homes due to foreign aggression, widespread violence, internal conflict, massive human rights violation, or other conditions disrupt public order; this definition was established in 1984 by a coalition of Latin American governments.

Citizenship and Nationality

Scholars defined term citizenship in several ways, meaning a lack of consensus and uniformity. The legal framework of citizenship indicates official membership in a political community which provides its members access to rights and duties within the state (GLOBALCIT 2020). States normally confer citizenship through legal recognition thus granting political, social and civil rights to their members who obtain the right to vote, work and reside within national borders. Sociologist T.H. Marshall (1950) claims that citizenship is based on legal and political frameworks, therefore reflecting the relationship between the person and the state. Additionally,

Parashar and Alam (2019) defined citizenship as “the legal status of belonging" (Parashar and Alam 2019), whereas Haque (2017) used the term in the place of nationality (Haque 2017). The concept of citizenship functions as both a system for belonging and a framework for exclusion of individuals considered “other” (Bauböck 2006).

Citizenship is constructed socially because it develops through institutionalized norms and power relationships based on social construction theory (Berger and Luckmann, 1966). It determines who belongs to the political community and who is excluded, hence operating as a mechanism of inclusion and exclusion. The 1982 Citizenship Law of Myanmar codifies citizenship by hierarchically classifying people into "full," "associate," and "naturalized" categories depending on ethnic and racial categorization (Republic of the Union of Myanmar 1982). Through its legal system the Myanmar government denies Rohingya native ethnic identity status, which results in their statelessness and constrain access to basic rights (Blitz and Lynch 2011).

On the other hand, although nationality is often conflated with citizenship, it denotes a person's membership in a nation, which may be based in shared ethnicity, culture, or historical ties (Anderson 2006). Unlike citizenship, nationality is not always linked to legal acknowledgment by a government. For example, the Rohingya people maintain a historical link to Rakhine State, but Myanmar authorities deny this claim by labeling them as "Bengali outsiders" (Ibrahim 2016). Nationality represents a collective identity, while citizenship denotes a legal status imposed by state institutions. These two concepts create legal-political ties between an individual and the state, yet their rights and participation rules differ. The fundamental distinction lies in the fact that citizenship pertains to membership in a state, whereas nationality refers to an individual's affiliation with a nation or specific ethnicity. A person's nationality can be defined as their deep

and abiding affinity with their nation, whether it be through language, ethnicity, or ancestry. Conversely, citizenship is a pragmatic status that offers political and legal involvement, including the right to vote and receive governmental protection (Weissbrodt and Collins 2006). The Rohingya's exclusion from Myanmar's citizenship notwithstanding their historical nationality in Rakhine illustrates this difference.

Ultimately, although both nationality and citizenship shape a person's connection to a state, citizenship is a more legally active type of national membership that provides responsibilities and rights not available just from nationality. The denial of citizenship, as seen in the case of the Rohingya, emphasizes the need for these ideas in the protection of personal rights and national identity.

Identity

Identity is a key element in today's culture and a major topic of study in Sociology. Identity was less significant in ancient times. Identity, however, bears the full weight of the necessity of knowing oneself in the modern world. The identity of an individuals can be defined by the "people's concepts of who they are, what sort of people they are, and how they relate to others" (Hogg & Abrams, 1988). Similarly, "Identity describes how individuals and groups define themselves and are defined by others based on race, ethnicity, religion, language, and culture (Deng, 1995)." However, to comprehend how an individual or group constructs their identity, it is necessary to realize the multiple identities that people choose for themselves fall into the following categories: regional, racial, religious, cultural, or linguistic. Each of us chooses the most important identity and the group to which we want to belong.

Human Rights

The interrelated, universal, interdependent, inalienable, and indivisible rights are considered human rights. These rights are inherent to all human beings irrespective of a person's status. They are moral principles and national and international law protect these rights. Human rights are considered inalienable fundamental rights a person is entitled to which simply because he or she is a human being (Icelandic Human Rights Center, n.d.). The UN Office of the High Commissioner for Human Rights (OHCHR) stated,

> Human rights are rights we have simply because we exist as human beings - they are not granted by any state. These universal rights are inherent to us all, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status. (Nations, n.d.)

Additionally, the Universal Declaration of Human Rights (UDHR), adopted in 1948, and other international treaties describe several human rights that emphasize the concept of citizenship. For example, Article 15 of the UDHR states,

> Everyone has the right to nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. (United Nations, 1948)

Moreover, Articles 13, 14, and 21 of the UDHR ensure the right to freedom of movement and residence within the borders of each state, the right to seek asylum from persecution, and the right to participate in the government of one's country, either directly or through freely chosen representatives, respectively. Furthermore, Article 7 of the UDHR affirms,

> All are equal before the law and are entitled without any discrimination to equal protection of the law.

Together, these rights create the framework for citizenship, guaranteeing that people can be citizens of a country, take part in its governance, and seek refuge from persecution (United Nations,

1948). Finally, the state is responsible in protecting and promoting human rights, as well as creating conditions for peaceful existence that enable individuals to enjoy these rights.

CHAPTER 3

HISTORICAL CASES

The country formerly known as Burma, now Myanmar, was ruled by successive dynasties of monarchs, according to Burmese historiography. The dynasties of monarchs that existed before the British colonial empire are referred to in Burmese historiography as the Bagan Era, the First Burma, the Second Burma, and the Third Burma. These dynasties were inhabited by various ethnic groups, including some Muslim minorities (Thein and Salaams 2012). The Rohingyas are primarily a Sunni Muslim ethnic minority. The Rohingya speak an Indo-Aryan language that is closely related to, but distinct from, the Bengali dialect used in Bangladesh's Chittagong region. Though many came from Bangladesh, particularly during the British colonial era (1784-1948), the Rohingya claim their roots to Muslim traders living in Myanmar's Rakhine state since the Mrauk-U era (1430-1784) (Australian Government Department of Foreign Affairs and Trade, 2022). According to Sejan (2022), Rohingyas hail to Myanmar because of several Persian and Arab invasions to the land ranging from 788–810 AD, the 15th and 17th century respectively (Sejan, 2022). Nonetheless, from the early period, Buddhist nationalist group considered Rohingya as ‘Kulas’ or ‘Kalar’, that means dark-skinned autochthonal (Ahmed, 2010). The Buddhist extremist groups always framed that the Rohingya are as illegal immigrants, foreign nationals or Bangali intruders. The first laws relating to foreigners and citizenship in Burma were enacted in 1864 by the British government, defining the term "foreigner" for the first time in the Burmese context. The law aimed to prevent the people of foreign states from residing or from passing through or

travelling therein without the President's consent (The Foreigners Act 1864). The British also enacted the Passport Act in 1920 (The Myanmar Passport Act 1920) and the Registration of Foreigners Act in 1940. It required foreigners to report and register with the relevant authority (The Registration of Foreigners Act 1940). Later, Myanmar gained its independence by an agreement between Burmese Constituent Assembly President Thakin Nu and British Prime Minister Clement Attlee in October 1947(Aung 2019), and Rohingyas were identified as bona fide citizens of Myanmar in Article 3 of the agreement (EFSAS 2018). Under the 1948 Union Certificate of Citizenship (UCC), individuals were not required to belong to an officially recognized race to be citizens of Myanmar. Therefore, the Rohingyas were recognized as citizens (Farris 2017). In fact, one of the Rohingya Muslim parliament members, named Sultan Mahmud, was the health minister under the U Nu government from 1960 to 1962 (Lee 2019; Parnini 2013; Leider 2020).

However, the Rohingya who live in the Rakhine region have had their citizenship, but it was stripped from them, and their ethnicity and history were denied through the 1982 Citizenship Act. There have been many decades devoted to this procedure. The military force took control of Myanmar in 1962. At this time, efforts were made to deny the Rohingya people their citizenship and other basic rights that led them to stateless status. Burmese Revolutionary Council and Burma Socialist Programme Party oppressed Rohingyas until 1988 under the Ne Win regime (Das, 2020). It contributed to the systematic denial of their citizenship rights by banning all forms of Rohingya organizations and passing a draconian law to exclude the identity of Rohingya from all types of formal documents. The Emergency Immigration Act (EIA) was enacted in 1974 to begin the denial process, and Operation Nagamin was conducted in 1978 under the Ne Win dictatorship to plant

the seed of exclusion. Over 250,000 Rohingyas were forced to leave Myanmar as a result of this operation, albeit the majority were able to return over time (Human Rights Watch 2000). The primary goal of the operation was not solely to displace them, but to also create an appropriate situation to enact the Citizenship Act in 1982 (D Costa, Bina, 2012). The 1982 Act is considered as the last arch of archery to exclude Rohingyas as a native ethnic group in the history of the Rakhine state. The Rohingya people were left off a list of 135 national races/ethnicities out of 142 issued after the 1982 law.

Figure 1 demonstrates the historical events that lead Rohingya to statelessness.

This study thoroughly examines three historical case studies that are considered most significant in analyzing the systematic denial of Rohingya's citizenship rights in Myanmar. These cases are:

Case 1: The 1982 Citizenship Act

The 1982 Myanmar (Burma) Citizenship Law was a landmark in the country's political and social history, especially concerning its treatment of ethnic minorities, including the Rohingya, Chinese, Indian and Gurkha minorities. This legislation, which created a legal structure for ascertaining citizenship, was crucial in the systematic exclusion of the Rohingya from Myanmar's national identity and citizenship. The exclusion has had a direct consequence on the statelessness of the Rohingya and their continued marginalization. The complete understanding of the 1982 Citizenship Act requires an examination of the historical events in which it was enacted. The multi-ethnic nation of Myanmar which used to be known as Burma exhibits a long history under foreign occupation. Throughout the British colonial period extending from 1824 to 1948, Burma was integrated into the British Empire, and different ethnic groups were categorised as either

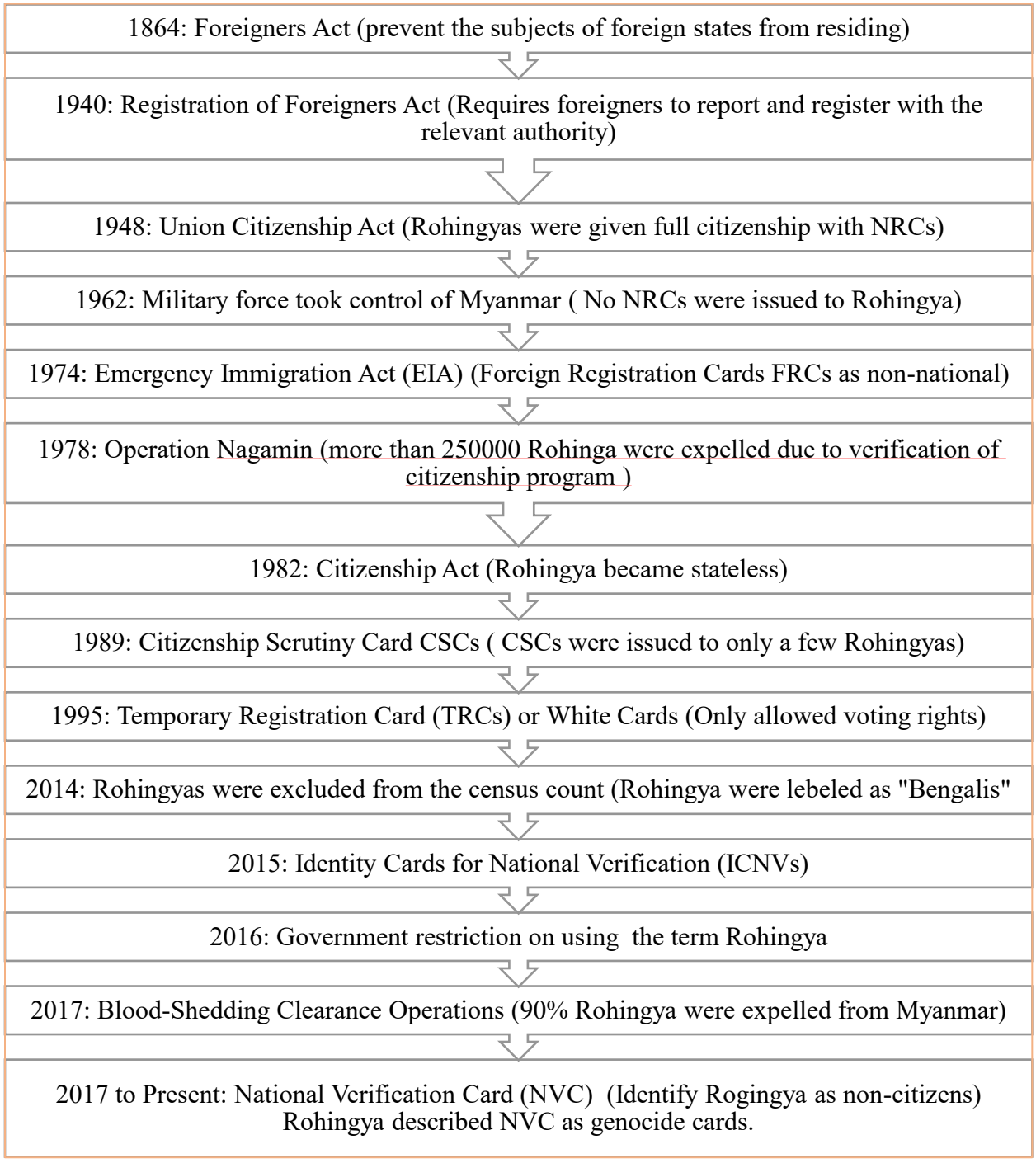


Figure 1: Historical Events Lead Rohingya to Statelessness (Rahman 2024; Ibrahim 2018)

indigenous or non-indigenous (Blitz 2006). The Rohingya population had been rooted in the Rakhine region for centuries, although their official legal standing persisted as uncertain while religious tensions intensified between Buddhists and Muslims after Myanmar gained independence in 1948 (Mamdani 1996).

After Myanmar gained independence in 1948, the Union Citizenship Act granted citizenship to both people of Burman descent and members of officially recognized ethnic groups. According to the 1948 Union Citizenship Act, Rohingya were granted citizenship since their presence in Myanmar dates from before the colonial era (Blitz and Lynch 2011). Nonetheless, the circumstances began to shift with the emergence of military governance in 1962, which prioritised the concept of a "pure" Burmese identity rooted in Buddhism. This became the primary means of distinguishing ‘pure blooded nationals’ from those who entered Myanmar during the colonial period, their descendants, and ‘mixed bloods.’ The prime intention of making ‘pure-blooded nationals’ is to exclude ‘mixed blood’ people from power, as their loyalty is seen as suspect. The shift in national identity politics resulted in the establishment of the 1982 Citizenship Act and the justification of tier system of citizenship namely: full, associate and naturalized citizenship. The military regime of General Ne Win legislated the 1982 Citizenship Law aimed at controlling national identity and citizenship. In a speech Ne Win state:

> [W]e accept them as citizens, say. But leniency on humanitarian ground cannot be such as to endanger ourselves. We can leniently give them the right to live in this country and to carry on a livelihood in the legitimate way. But we will have to leave them out in matters involving the affairs of the country and the destiny of the State. This is not because we hate them. If we were to allow them to get into positions where they can decide the destiny of the State and if they were to betray us we would be in trouble. (Speech by General Ne Win 1982)

The 1982 Citizenship Act's Provisions and Its Implementations for Rohingya

The 1982 Citizenship Act explicitly determined eligibility for citizenship within Myanmar. Under the 1982 Citizenship Act the government imposed a classification structure containing three citizen levels, including full citizenship together with associate citizenship and naturalized citizenship. It described the citizenship requirements for each category as well as specified Myanmar's ethnic composition, which exposed its discriminatory patterns (Linton 2017). People who prove ancestry to one of the recognised as *taing-yin-tha* (national races) receive full citizenship. Article 3 of the 1982 Ctizenship Act states:

> Nationals such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan and ethnic groups as have settled in any of the territories included within the State as their permanent home from a period prior to 1185 B.E., 1823 A.D. are Burma citizens. (Republic of the Union of Myanmar, 1982)

These eight national races were classified later into 135 subgroups by administrative instruction. Full citizens are allowed to own land, join the armed forces, participate fully in politics, access education and government jobs without restrictions and a National Registration Card (NRC). According to Article 12(C), "A citizen shall be entitled to enjoy the rights prescribed by the laws of the State." (Myanmar Citizenship Law 1982: Article 12). The official classification of national races under citizenship act excludes the Rohingya ethnicity, thus denying them citizenship rights, in the sense of full citizen (Blitz and Lynch 2011).

Additionally, Associate citizens are those who applied for citizenship under the 1948 Union Citizenship law and before the enactment of the 1982 Citizenship Law but do not belong to the above mentioned 135 groups. Article 23 of the Act provides that:

> Applicants for citizenship under the Union Citizenship Act, 1948, conforming to the stipulations and qualifications, may be determined as associate citizens by the Central Body. (Myanmar Citizenship Law 1982: Section 23)

Associate citizens are not permitted to hold political roles, such as seats in parliament or positions with decision-making authority inside the government, but they are permitted to live in the union permanently and exercise their basic rights. According to Article 30(C):

> An associate citizen shall be entitled to enjoy the rights of a citizen under the laws of the State, with the exception of the rights stipulated from time to time by the Council of State. (Myanmar Citizenship Law 1982: Section 30)

Article 30(c) provides a lot of loopholes for the rights of people classified as "Associate citizens" to be reduced because the Council of State reserves the power to alter their rights.

Moreover, Naturalised citizens are persons who do not belong to the recognised ethnic groups and acquired citizenship after 1982. Article 42 of the 1982 Citizenship Act stated that:

> Persons who have entered and resided in the State prior to 4th January 1948, and their children born within the state may, if they have not yet applied under the Union Citizenship Act, 1948, apply for naturalized citizenship to the central Body, furnishing conclusive evidence (Myanmar Citizenship Law 1982: Section 42).

A key part of this provision is that non-citizens can achieve naturalized citizenship only after furnishing conclusive evidence, fulfilling strict residency conditions and language criteria, which provides a lot of discretionary power that can abused to deny Rohingya people even the minimal form of citizenship. According to Article 44 of the Law: An applicant for naturalized citizenship shall have the following qualifications: -

> (a) be a person who conforms to the provisions of section 42 or section 43; (b) have completed the age of eighteen years; (c) be able to speak well one of the national languages; (d) be of good character; (e) be of sound mind.

The right to live, work, and access services is granted to naturalized citizens. However, they are not allowed to the rights that are particularly designated for citizens, nor will they be permitted to engage in political or state activities. Article 53(C) affirmed that:

> A naturalized citizen shall be entitled to enjoy the rights of a citizen under the laws of the State, with the exception of the rights stipulated from time to time by the Council of State (Myanmar Citizenship Law 1982: Section 53).

Article 53(c) also provides a lot of loopholes for the rights of people classified as "naturalized citizens" to be reduced because the Council of State reserves the power to alter their rights. For the Rohingya, meanwhile, the legal difficulties related to establishing their residency and identification as well as their exclusion from the national race classification rendered naturalisation practically impossible, especially given the contentious relation with the Buddhist power elite (Ibrahim 2016).

In terms of rights, there is really no difference between associated and naturalized citizens – as they are all denied core political and land rights. In essence, the difference between the two is simply a matter of timing and process in seeking citizenship. As General Ne Win explained in his 1982 speech:

> Who are the eh-naing-ngan-tha (associate citizens)? They are those who arrived in Burma before Independence and satisfy all conditions laid down in those two laws and who already applied for citizenship. They are eh-naing-ngan-tha (associate citizens). What is the difference between eh-naing-ngan-tha (associate citizens) and enaingngan-tha-pyu-khwint-ya-thu (naturalized citizens)? Both came here in similar circumstances –before Independence, January 1948. The difference lies in whether they applied for citizenship or not. Those who have not yet applied for citizenship are, let us say, a bigger problem. (Speech by General Ne Win 1982)

Individuals who are Associate and Naturalized citizens, still described as possessing "mixed blood," experience diminished rights in areas such as political engagement, education, healthcare, freedom of movement, and property ownership (Myanmar Citizenship Law 1982: Section 53(c);

30 (c). The initial endeavor, characterized by a focus on nation-building and the marginalization of others, has evolved into a state policy that continues to shape legislation and governance till now. It is important to highlight that the rule of law, along with the ability to assert and exercise one's rights, is obstructed by a certain level of arbitrariness and a deficiency of accountability inherent in the 1982 Citizenship Law. Article 71 articulates that

> No reason need be given by organizations invested with authority under this Law in matters carried out under this Law. (Myanmar Citizenship Law 1982: Section 71)

Likewise, Article 8 (b) of the 1982 Citizenship Act provides the government authority to deny citizenship to people who provide incorrect documents or cannot demonstrate proper citizenship requirements. According to Article 8 (b)

> The Council of State may, in the interest of the State, revoke citizenship or associate citizenship of naturalized citizenship of any person, except a citizen by birth. (Myanmar Citizenship Law 1982: Section 8(B).

The discriminatory application of Article 8 (b) within the law has amplified the vulnerability of Rohingya because the government arbitrarily stripped citizenship from Rohingya even though they had lived in the country for generations (United Nations High Commissioner for Refugees (UNHCR) 2006).

The 1982 Citizenship Law was not only a legal tool but also a symbolic act that reinforced the social construction of the Rohingya as "outsiders" in Myanmar's national identity. According to Anderson (2006), the formation of national identity is inherently exclusionary, involving the definition of who belongs and who does not, and the 1982 Citizenship Law exemplifies this process. In Myanmar's case, the law functioned as a powerful mechanism for excluding the Rohingya, framing them as "illegal immigrants" despite their historical presence in Rakhine (Said 1978; Gellner 1983). The exclusionary narrative fostered by the 1982 Citizenship Law was also a

means of consolidating power within the hands of Myanmar's Buddhist majority. By defining the national races and granting citizenship only to those who were part of these recognized races, the law helped to cement a Buddhist-Burman identity while marginalizing non-Buddhist minorities, such Rohingya, Gurkha and Chinese and Indian descents (Klem 2018). This process was closely linked to the military's efforts to control national identity and assert dominance over ethnic minorities (Mamdani 1996).

Case 2: The 1989 Citizenship Scrutiny Exercise

In 1989, the Myanmar government launched the Nationwide Citizenship Scrutiny Exercise (CSE), a pivotal initiative designed to tighten control over the population by verifying and reclassifying citizens according to the categories set forth in the 1982 Citizenship Law. Officially, the CSE was portrayed as a measure to enforce the citizenship classifications outlined in the 1982 Citizenship Act. In practice, it functioned as a tool to further marginalize and disenfranchise the Rohingya, reinforcing their exclusion from Myanmar's national identity and citizenship rights.

The Implementation of 1989 Citizenship Scrutiny Exercise

After the enactment of the 1982 Citizenship Act, the Rohingya and other ethnic minorities such as, Gurkhas, Tamils and ethnic Chinese (Institute on Statelessness and Inclusion 2021:2) were systematically excluded from the classification of *taing-yin -tha* "national races" (the primary eight races are Burman, Arakanese/Rakhine, Chin, Karen, Kachin, Karenni, Mon, and Shan) and deprived of full citizenship rights (Human Rights Watch 2013:118). The Rohingya's situation became worse, among other ethnic minorities excluded from recognized national races. Some Rohingya received associate or naturalized citizenship upon proving the criteria set in the 1982

Citizenship Act, but the majority were denied their citizenship entirely. This legal framework had already placed the Rohingya in a vulnerable position. The situation deteriorated further with the implementation of the 1989 Nationwide Citizenship Scrutiny Exercise, which sought to reaffirm the government's authority over citizenship by re-verifying the national identity of every individual.

The exercise was introduced during a period when Myanmar's military junta was consolidating its power and promoting a national identity centered on ethnic Burmese and Buddhist identity. Despite their long history in Rakhine State, the Rohingya faced escalating discrimination and exclusion. The 1989 Scrutiny Exercise became another instrument to deepen their marginalization (Ibrahim 2016). Under the pretext of "correcting citizenship records," the exercise primarily targeted Muslims in Rakhine State, with special focus on the Rohingya as part of this effort (Linton 2017). In 1989, as part of a citizenship scrutiny exercise, the new State Law and Order Restoration Council (SLORC) military Junta introduced new identity cards and documentation procedures based on the 1982 Citizenship Law. The citizenship scrutiny exercise involved the issuance of national identity cards, which played a central role in the identification process. The previous National Registration Certificate NRCs issued under the Residents of Burma Registration Act, 1949 were substituted with three distinct categories of "Citizenship Scrutiny Cards" in 1989. The newly introduced cards employed a color-coding system to categorize the citizenship status of the bearer: pink cards designated full citizens, blue cards for associate citizens, and green cards for naturalized citizens. Additional colors included brown cards for monks and white cards for foreigners (Arraiza and Vonk 2017; Thein 2016).

Additionally, the 1989 Citizenship Scrutiny Exercise had devastating consequences for the Rohingya, institutionalizing their statelessness. Although many Rohingya had previously been granted citizenship under the 1948 Union Citizenship Act, the 1989 exercise enforced the more restrictive terms of the 1982 Citizenship Law. Article 3 of the 1982 citizenship law recognized 135 ethnic groups, although the 1948 Union Citizenship Act recognized 144 ethnic groups, and the Rohingya was one of them in 1948 but excluded in 1982. Because the Rohingya were not classified as a national race under1982 Citizenship Law, they were unable to qualify for full citizenship. As a result, the vast majority of the Rohingya were stripped of their citizenship, leaving them without legal recognition as Myanmar nationals and only a few received naturalized citizenship . Article 8 (b) of the citizenship act granted the government power to reject citizenship claims from anyone deemed to lack sufficient proof of ethnic or national affiliation. This provision was applied disproportionately to the Rohingya, as authorities argued they could not prove ancestral ties to Myanmar due to their exclusion from the official list of national races. Consequently, most Rohingya were either denied citizenship or labeled as "foreigners" or "immigrants," further marginalizing them and depriving them of basic rights, including employment, freedom of movement, and access to social services.

A Rohingya man, 42, said:

> A high-ranking immigration officer came today and said he wanted a list of people who are taking shelter. He said he wanted a list so we made a list. We were given a written form to fill out, and instead of referring to displaced people, the form referred to “guest people.” We said, “We are not guests here.” The immigration officer replied, “I cannot do anything, this is from the higher authority. I just have to follow orders. (Human Rights Watch 2013:113)

Conversely, U Hla Soe, the general secretary of the Arakanese-dominated political party RNDP, told Human Rights Watch, the international community and, in particular, the international media are biased in favor of the Rohingya. He stated that:

> We think that pro-Rohingya Islamic radicals have penetrated the exiled media, so the voice of Rohingya becomes louder and louder. ... They are demanding to be an ethnic nationality, and this we don't accept. The citizenship issue is very delicate. We hope that exiled radical forces in the West will stop the instigation, because these Muslim people are ignorant people. It is very easy to stimulate and instigate them. (Human Rights Watch 2013:114)

Furthermore, the exercise also mandated that citizens carry identification cards, a requirement that placed the Rohingya in an especially precarious position. Since they were not issued Citizen Cards, they were often compelled to carry Associate, Naturalized Citizen Cards or even white card, which marked them as second-class citizens or non-citizens. These cards became symbols of their exclusion and tools of discrimination, limiting their participation in Myanmar's civic and political life (Blitz and Lynch 2011). The discriminatory nature of the 1989 Scrutiny Exercise was intensified by the prevailing political climate in Myanmar, which was steeped in Buddhist nationalism. The Rohingya, already viewed as outsiders by the ethnic Burmese majority, faced heightened scrutiny during the exercise. The government's portrayal of the Rohingya as "illegal immigrants" or "Bangali" intruders was reinforced, deepening their alienation from Myanmar's national community (Mamdani 1996).

Case 3, The 2017 Military Crackdown

The ongoing state-sponsored, gruesome and deadly violent attack on the Rohingya Muslim minority culminated in the 2017 military crackdown in Myanmar, also known as the "clearance

operations." It is reported that 13,000 Rohingya people were killed, approximately 200 Rohingya villages were destroyed, and more than 890,000 Rohingya people were forced to flee their homes as a result of this violence (Australian Government Department of Foreign Affairs and Trade 2022). It further triggers a humanitarian disaster and one of the largest refugee crises in the contemporary world.

Since the colonial era the Rohingya community has experienced continuous persecution. According to Khin (2016), during British colonial rule the Rohingya received official recognition as an indigenous ethnic group of Rakhine state. Following independence, however, Myanmar adopted a Buddhist nationalist government which systematically removed the Rohingya from all social and legal frameworks within the country. The 1982 Citizenship Law established the foundation for Rohingya exclusion because it refused them their right to citizenship and declared them “foreigners” despite their long presence in Myanmar (Linton 2017). The intensifying discrimination and violence against the Rohingya led to repeated military crackdowns and forced their removal from their homes, which led to the creation of a militant Rohingya rights group.

The Arakan Rohingya Salvation Army (ARSA), formerly known as Harakah al-Yaqin (Faith Movement), was a militant group in Myanmar advocating for the rights of the Rohingya Muslim minority (International Crisis Group 2016). It was rebranded as ARSA in 2016, aiming to defend against state-sponsored violence and systemic disenfranchisement (Lintner 2017). ARSA was founded by Ataullah abu Ammar Jununi, a Rohingya born in Karachi, Pakistan, and raised in Saudi Arabia. The group initially operated covertly, recruiting Rohingya refugees in Saudi Arabia, Pakistan, and Bangladesh, and establishing networks in Rakhine State's northern townships (Lewa 2017).

ARSA's primary activities include armed resistance against Myanmar's military (Tatmadaw) and border police. Its most significant escalation occurred in August 2017, when coordinated attacks on 30 security posts led to a brutal military crackdown, displacing over 700,000 Rohingya to Bangladesh (UN OHCHR 2018). Myanmar's military took immediate aggressive action by calling to "root out terrorism" through its response. The intensity and widespread nature of military operations revealed that ethnic cleansing was the objective instead of counterinsurgency (UNHCR 2017). Numerous human rights organizations and the UN documented extensive human rights violations which encompassed massive massacres, sexual violence, and village destruction entirely. ARSA claims its actions aim to "defend Rohingya rights" and secure autonomy in Rakhine State (ARSA Statement 2017). However, Myanmar's government designates ARSA as a terrorist organization, citing its attacks on civilians and alleged ties to international jihadist networks, a claim ARSA denies (Myanmar Ministry of Information 2017).

The Consequences of the 2017 Military Crackdown on the Rohingya

The Myanmar military demonstrated enormous brutality when it launched its 2017 crackdown against the Rohingya population. Human rights organizations such as Amnesty International and Human Rights Watch reports revealed that the Myanmar military infringed international laws, which included crimes against humanity alongside war crimes (Amnesty International 2017; Human Rights Watch 2017). The military carried out airstrikes followed by ground attacks and set fire to Rohingya settlements to push more than 700,000 Rohingya to the Bangladeshi border (Bakker 2018). As a result, thousands of Rohingya civilians lost their lives during the military operation, while many survivors experienced forced labor and endured torture

and sexual violence according to Schock (2018). Satellite images demonstrated that hundreds of Rohingya villages burned to the ground (Pomeroy 2017). The military's operation left entire communities destroyed while their cultural and religious symbols suffered deliberate destruction to eliminate Rohingya historical connection with the area (Kohli 2019).

Individuals who survived reported witnessing deadly executions of their loved ones until forced to flee their homes in Rakhine State (Buehler 2017). During warfare from August 25 to December 2017 (Human Rights Watch 2017; United Nations 2018) the military employed rape as a tool of war in which women and girls became systematic targets of sexual violence. The military used sexual assaults extensively as part of their systematic plan to exterminate the Rohingya ethnic group on physical as well as psychological levels (Blitz 2017). Reports state that military forces used rape as a weapon to assault women in front of family members and executed many victims following sexual abuse (Jones 2018).

Additionally, humanitarian assistance remained blocked by the military forces during their crackdown operations. The military action blocked all humanitarian organizations from reaching the region, so Rohingya refugees got no food, medical services or shelter. Blockades were also set up by the Myanmar government and military to stop the movement of refugees and the distribution of foreign assistance (Bakker 2018). Global condemnation of the crackdown was swift but toothless. According to the United Nations, the military crackdown met the definition of “ethnic cleansing” and multiple UN high-ranking officials including UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein described it as “a textbook example of ethnic cleansing” (UNHCR 2017). Human rights organisations such as Amnesty International and Human Rights Watch also recorded significant proof of the military's offences, demanding responsibility and the transfer of

Myanmar to the International Criminal Court (ICC), but geopolitical gridlock, notably vetoes by China and Russia, blocked meaningful action (Amnesty International 2017). In contrast, western nations, including the United States and the European Union, imposed sanctions on military leaders and military-owned enterprises. Critics argued these measures were largely symbolic, failing to address the root causes of the crisis or pressure Myanmar's civilian government, led by former Nobel laureate in peace, Aung San Suu Kyi, to halt atrocities (Chia 2017). Suu Kyi's refusal to condemn the military and her defense of its actions at the International Court of Justice (ICJ) in 2019 drew global scorn, irreparably damaging her reputation as a human rights icon (Harris 2018).

Regional actors, specially China and India, prioritized strategic interests over humanitarian intervention. China expressed concern about the situation but refused to allow any measure that might weaken Myanmar's national sovereignty as well as threaten its alliance with Myanmar's military leadership (Zaw 2017). The crisis evoked no substantial response from India who avoided taking steps to hold Myanmar responsible. The refugee camps in Bangladesh rapidly reached overcrowded, facing constraints in resources to adequately support the needs of the refugees. Despite significant efforts by international humanitarian organisations, the crisis persists, leaving many Rohingya in precarious conditions (Buehler 2017). The refugees who entered Bangladesh suffered from poor conditions in large crowded camps that restricted their access to basic needs like food, health care and education. Many displaced Rohingya were forced to make their camps their permanent home after military crackdowns because repatriation seemed impossible (Schock 2018). The Myanmar government initiated a policy to settle Rohingya territory with ethnic Burmese Buddhists leading to permanent displacement of Rohingya people (Buehler 2017).

The brutality had psychological as well as physical effects. Having seen or been victims of violence, many of the survivors, especially women and children, suffered trauma. Fearful Rohingya who escaped to Bangladesh carry enduring mental and emotional distress because of what they went through. The lack of proper mental health care services in refugee camps intensifies the psychological trauma suffered by Rohingya refugees (Jones 2018). All of the Rohingya people continue to live without definite legal rights and political solutions after the 2017 military crackdown. The Rohingya face an ongoing crisis because the international bodies have not established sustainable avenues for citizenship along with adequate solutions to their displacement dilemma. Myanmar still maintains its position to deny the Rohingya people basic rights by rejecting their citizenship and preventing them from returning to their native country (Pomeroy 2017).

CHAPTER 4

DISCUSSION AND ANALYSIS: IDENTITY AND CITIZENSHIP

The statelessness and systemic exclusion of the Rohingya from Myanmar's citizenship framework demonstrates how power dynamics, exclusionary discourses, and institutionalized discrimination socially construct identity and citizenship. By analyzing three historical events: the 1982 Citizenship Act, the 1989 Citizenship Scrutiny Exercise, and the 2017 Military Crackdown, this research shows how dominant groups employed legal and symbolic tools to portray the Rohingya as "perpetual outsiders."

The Rohingya are excluded from Myanmar's national identity because citizenship is socially constructed seen as a privilege reserved for certain ethnic and religious minorities. According to Berger and Luckmann (1966), institutionalization, habitualization and legitimization play crucial roles in shaping reality. These processes are observed in Myanmar's legal and political systems. The Citizenship Act of 1982 institutionalized a hierarchy of citizenship by dividing it into "full," "associate," and "naturalized" statuses, based on membership in one of 135 officially recognized ethnic groups (Republic of the Union of Myanmar 1982). However, despite solid evidence of Rohingya living in Rakhine State since the 15th century (Gutman 2001; Mohajan 2020), Rohingyas were not included in the list of ethnic groups. This condition of legal exclusion was legitimized through state rhetoric portraying Rohingya as "Bengali infiltrators," a discursive move berated by Said (1978) as Orientalism that creates "the Other" to facilitate exclusion. The Act's provisions that define national races (Article 3) and allow discretionary power to revoke

citizenship (Article 8(b)) are prime examples of Anderson's (2006) concept of "imagined communities." Through the process of defining national belonging, the authorities in Myanmar have strengthened a Buddhist-Burman identity, simultaneously undermining the historical claims of the Rohingya community. As Blitz and Lynch (2011) argue, the law "transformed citizenship from legal status into ethnic entitlement," rendering Rohingya stateless. This exclusion was not simply an administrative matter but rather a calculated act of symbolic violence, effectively depriving the Rohingya of their agency in defining their own identity (Bourdieu 1991).

Case 1: The Critical Analysis of 1982 Citizenship Act

The 1982 Citizenship Law receives extensive criticism since it combines discriminatory elements with exclusionary features affecting the Rohingya community. The 1982 Citizenship Act's provisions especially, 3, 8 (b), 35 (a, b, c, f), 36, 58 (a, b, c, f), 71 and 74 intentionally established an exclusive ethnic-religious national identity which became the foundation for discriminating against Rohingya alongside Chinese and Indian descents, according to Batchelor (1998) and Waas (2008). The law specifically established provisions targeted at removing the Rohingya's historical connection to Myanmar and banned their inclusion within the national community (Blitz and Lynch 2011). The act's Article 3 stated that in order to qualify as "full citizens" in Myanmar, the ethnic group must have been in the country by 1823. Rohingya meet the criteria because they reportedly existed in Myanmar long before 1823 but were refused because they were not listed among the country's national races (Republic of the Union of Myanmar 1982). This legal fiction serves as an example of objectivation, the process by which socially constructed categories such as "national races" are reified as objective fact, as proposed by Berger and Luckmann (1966). The law also grants power to the *taing-yin -tha* (national races) while creating

exclusion for minority Muslim and other ethnic groups. For example, non *taing-yin -tha* are not entitled to hold any significant position where a person can decide the destiny of the state, such as president. Those who lack full citizenship are prohibited from entering some professions, such as law and medicine, and all non-Bamar ethnic groups are subject to informal restrictions in government and military jobs that impede them from rising to higher ranks (Australian Government Department of Foreign Affairs and Trade 2022). The legal exclusion concluded by the state-led violence directed against Rohingya citizens pushed them into further social isolation (Ibrahim 2016). Moreover, the discriminatory political narrative coupled with legal provisions in the Citizenship Act has led to the Rohingya becoming among the world's most oppressed communities.

Additionally, the vague nature of the 1982 Citizenship Act's some provisions provided Myanmar's government with power to deny Rohingya population in the national citizenship groups, pointed out by legal expert Brad Blitz (2011). Through the 1982 Citizenship Act, Myanmar authorities adopted a strategy to eliminate the Rohingya's historical roots in Myanmar by declaring them "illegal immigrants" and "Bangali intruders." The historical residence of Rohingya in Rakhine State for centuries contradicted the narrative which the government used to deny citizenship to the Rohingya population (Mamdani 1996).

Indeed, a historic turning point emerged with the 1982 Citizenship Act which prohibited Rohingya from holding full citizenship while stripping them of their identity as citizens by excluding them from recognized national races. Although, the Rohingya were recognized as indigenous race under the Union Citizenship Certificate (UCCs) in 1948. Through its legislative framework, the Myanmar government excluded the Rohingya from Myanmar's national identity

by eliminating their historical connection to the country while denouncing them as foreign intruders. Furthermore, the narrow citizenship policies, such as no scope for a naturalised system of citizenship by marriage or residence, further exacerbate the situation. A person only can achieve naturalised citizenship by proving their residence before the country's independence in 1948. The law prioritized Buddhist-Burman ethnicity and religious identity, which led to increased marginalization of Rohingya and other non-Buddhist groups.

As soon as the 1982 Citizenship Act was enacted, it directly affected the human rights of the Rohingya. As a result of not having citizenship, the Rohingya were unable to get education, employment, and healthcare (Haque 2017). As Arendt (1951) said, being stateless takes away a person's "right to have rights." This is shown by the fact that the Rohingya can't vote, own property, or move freely (Weissbrodt and Collins 2006). For instance, Rohingyas were not allowed to seek medical care in public hospitals in Rakhine State, which led to many preventable deaths (Human Rights Watch 2013:118). It is clear from these examples that denying someone citizenship is not just a legal status; it is also a way to dehumanize them.

Case 2: The Critical Analysis of 1989 Citizenship Scrutiny Exercise

The 1989 Citizenship Scrutiny Exercise (CSE) shows how bureaucratic mechanisms can make identity a weapon for exclusion. Upon implementing the 1982 Act, Rohingya were forced to prove their citizenship by revealing their ancestral background, but this was extremely difficult because their ethnicity was not recognized by the government (Blitz and Lynch 2011). The color-coded identity cards classified and labeled Rohingya as outsiders, reflecting Goffman's (1963) notion of stigma as a "spoiled identity." The 1989 Nationwide Citizenship Scrutiny Exercise

functioned beyond administrative procedures to serve as a political instrument which strengthened the discriminatory practices within the 1982 Citizenship Law. The exercise acted as a legal tool to reinforce both discriminatory citizenship laws and social frameworks that limited Rohingya access to full citizenship rights and established an authorized method for their official exclusion. According to Blitz and Lynch (2011), the exercise was part of a broader strategy to define Myanmar's national identity along ethnic and religious lines, a process that marginalized the Rohingya and other minorities. Weissbrodt and Collins (2006) and other contend that the scrutiny process was presented as citizenship record correction but established state control over the population and removed perceived national identity threats. The government enforced certain provisions of the 1982 Citizenship Law to permanently remove citizenship status from the Rohingya while establishing their legal status as stateless.

Moreover, this exercise functioned as a key component of state policies to establish a "pure" Burmese national identity which defined itself through a Buddhism-integrated ethnicity. The 1989 Scrutiny Exercise exemplifies how Myanmar's government employed legal and social mechanisms to determine national membership, systematically excluding the Rohingya. The human cost of the CSE is apparent in the accounts of survivors. A Rohingya man recalled how officials referred to his tribe as "guest people," asserting, *"We are not guests here." "We were born here"* (Human Rights Watch 2013:113). This bureaucratic obliteration reflects Mamdani's (1996) examination of colonial identity politics, wherein administrative instruments such as censuses and identification systems categorized populations into "citizens" and "subjects." Because of the CSE, Rohingyas lost any chance of being considered naturalized citizens and instead remained stateless.

The 1989 Nationwide Citizenship Scrutiny Exercise marked a critical juncture in the ongoing exclusion of the Rohingya from Myanmar's national identity. Although it was presented as a means of verifying citizenship, the exercise in effect was, a mechanism to enforce the discriminatory provisions of the 1982 Citizenship Law, further entrenching the Rohingya's statelessness. By denying them citizenship and excluding them from the national community, the exercise intensified their marginalization and set the stage for subsequent human rights violations. The Rohingya's status as outsiders was solidified, leaving them vulnerable to discrimination, violence, and displacement. Additionally, the Exercise exacerbated economic marginalization. Due to their inability to lawfully work without citizenship cards, many Rohingya were forced into exploitative informal labor. A study conducted in 2020 revealed that 89% of Rohingya in Rakhine State were below the poverty line, in contrast to 63% of the general population (Ahmed et al. 2021). This economic instability, combined with restricted movement, established a cycle of hardship that endures to this day.

Case 3: The Critical Analysis of 2017 Military Crackdown

Decades of state-sponsored persecution and bloodshed against the Rohingya culminated in a 2017 military crackdown. Although the ARSA's insurgent strike served as the direct catalyst for the military's operations, the scope and character of the military's reaction were out of proportion and specifically targeted at civilians. The forcible displacement of over 700,000 Rohingya in 2017 epitomizes decades of identity-based marginalization. Officially, Myanmar presented its actions as targeting the Arakan Rohingya Salvation Army as a "counter-terrorism" operation, but in reality, many civilians were targeted (UN OHCHR 2018). Satellite views disclosed the catastrophic destruction of 200 villages, while survivors recounted widespread deaths, sexual

violence, and arson (Amnesty International 2017). These acts fulfill the conditions set by the United Nations for both ethnic cleansing and crimes against humanity (UNHCR 2017). This was an ethnic cleansing campaign, not a counterinsurgency operation, with the goal of expelling the Rohingya from Myanmar and eliminating their existence there (Zaw 2017). The destruction of cultural sites and hindrance of aid highlighted a deliberate attempt to obliterate their identity and justify their exclusion.

The crackdown demonstrates how the societal construction of identity legitimizes severe violence. Labelling Rohingya as “illegal Bengalis” made it easier for the army to ignore their rights and commit severe crimes. Blumer (1969) asserts that symbolic interactionism elucidates how the views of dominant groups (e.g., viewing Rohingya as threats) influence collective action. Soldiers' testimonies compiled by Fortify Rights (2018) revealed that soldiers were commanded to "shoot all you see and hear," revealing a genocidal mindset rooted in decades of othering. Additionally, international governance's shortcomings and limitations were exposed by their response. Reliance on sanctions and diplomatic rhetoric failed to curb atrocities. The international community's inaction highlights the vulnerability of human rights frameworks. Geopolitical interests, particularly the UN vetoes by China and Russia, obstructed accountability despite substantial evidence (Schock 2018:). Furthermore, Aung San Suu Kyi's justification of the military in the International Court of Justice (ICJ) in 2019 highlighted the moral bankruptcy of political leadership and underscores the predominance of nationalist narratives over universal rights (Harris 2018). The international community’s failure to enforce justice or secure lasting solutions has trapped the Rohingya in a cycle of vulnerability, with refugee camps symbolizing global

indifference. Resolving this crisis demands both legal reforms in Myanmar and a reinvigorated global commitment to human rights.

Identity Frames and the Construction of Citizenship

The way citizenship is granted and contested in Myanmar is significantly impacted by the dual framing of Rohingya: as indigenous by the Rohingya themselves and as outsiders by the state. These frames are not merely abstract concepts; rather, they are intricately connected to policies, institutions, and the realities of lived experiences. The exclusionary frame of the Myanmar government is facilitated through legal instruments such as the 1982 Citizenship Act, which distinctly excludes the Rohingya from the list of 135 recognized ethnic groups (Republic of the Union of Myanmar 1982). The application of this frame results in the Rohingya being seen and treated as non-citizens, resulting in their structural disenfranchisement and the denial of access to fundamental rights (Blitz and Lynch 2011). Through the 1989 Citizenship Scrutiny Exercise and the denial of National Registration Cards, this identity was solidified and effectively marking the Rohingya as perpetually “foreign” in their own ancestral territory (Human Rights Watch 2013). This state-sponsored narrative aligns with Goffman's (1963) concept of "spoiled identity," according to which stigmatized labels are imposed by dominant actors and internalized via bureaucratic and social structures.

Conversely, the Rohingya's self-framing as indigenous challenges this imposed identity and shapes a counter-narrative grounded in historical context, collective memory, and assertions of belonging (Farzana 2017). Testimonies from refugees, oral histories, and international legal claims all performatively strengthen this identity. It rejects the state’s decision to exclude the

Rohingya and tries to restore their rights in Myanmar. For instance, a Rohingya leader asserted, *"We are not guests here; we were born here"* (HRW 2013). They reject state frames and reclaim agencies. This dynamic corresponds with the concept of "internalization" proposed by Berger and Luckmann (1966), wherein groups endeavor to affirm their socially constructed realities as equally legitimate and worthy of recognition. The difference of these frames illustrates that citizenship in Myanmar transcends mere legal classification; it is a complex and contested landscape influenced by power dynamics, identity, and discourse. The framing by the government dehumanizes and delegitimizes the Rohingya, whereas the Rohingya's frame represents a calculated act of resistance and survival. The denial of citizenship is not only bureaucratic but also ideological, according to social construction theory. Citizenship is awarded or denied depending on how well one frame is imposed over another.

The Patterns of Human Rights Violations

The Rohingya populations have been facing widespread human rights violations including extrajudicial killings, force labor, restriction on movement, education and health care, torture and arbitrary detention, rape, sexual harassment, eviction from land and confinement in specific land by Myanmar authority and Buddhist extremist group.

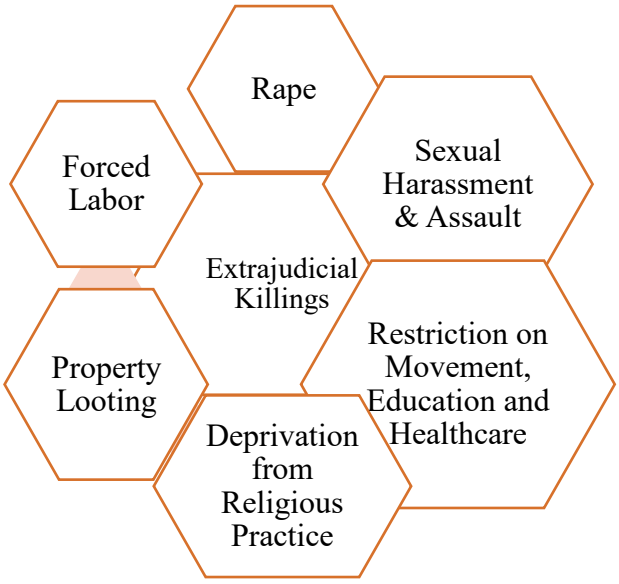


Figure 2: Pattern of Human Rights Violations

Force Labor and Property Looting

In Myanmar, Rohingyas are being coerced to perform unpaid labor on constructing "Model Villages" despite forced labor having been declared as a violation of human rights in Article 8(3A) of ICCPR. (“Burmese Refugees in Bangladesh,” 2000). The Amnesty International documented forced labor such as road and gas pipeline construction, Nasaka plantation, firewood provision for military camps, and nighttime village sentry duty (Rashid, 2005). According to ILO, forced labor is institutionalized across Myanmar. Besides, the State Peace and Development Council (SPDC) has taken Rohingya land and coerced them into performing unpaid labor to build the village (Ahmed, 2010). Additionally, all land in Myanmar belongs to the government, and only citizens can legally own property there. Many Rohingyas were forced to leave their homes for decades and

moved to new locations after the government of Myanmar determined that they were not citizens (Rashid, 2005).

Extrajudicial Killings

The border guard force Nasaka, army, and police in the northern part of Arakan State committed atrocities and genocide (Hassan, 2012). Sectarian violence spread out between Arakan Buddhists and Rohingya Muslims in western Burma's Arakan State in 2012. Amnesty International reports that human rights atrocities against the Rohingya have persisted since 1978, forcing many Rohingya to flee into neighboring Bangladesh (*Myanmar*, n.d.). The most recent inhuman attack on Rohingya in August 2017 caused thousands of innocent Rohingya people being killed as the United Nation described it "textbook example of ethnic cleansing" and unambiguous genocide.

Restriction on Freedom of Movement, Education and Healthcare

The Rohingya have no right to move freely outside of Arakan. Without the approval of the chairman of the local Peach and Development Council, they are not allowed to leave the confined place. Whereas Article 12, Section 1 of the ICCPR and Article I, Section 3 of the UDHR, establish the right to freedom of movement as a norm of international law. The government of Myanmar is breaking Article 17 (freedom of movement) of its constitution too. Likewise, the Myanmar government only permits Rohingya children to attend primary school in state-run schools, so these children have no access to secondary education (*Myanmar 2008 Constitution - Constitute*, n.d.). Although, secondary schooling is a right protected by international law (Nations, n.d.). The Myanmar citizens are the only ones allowed to continue their secondary education (Refugees, n.d.-b). Besides, the Rohingya people are not allowed to teach, work in healthcare, or participate in

local government in any official capacity, and they are not recognized for civil service. Whereas the Constitution of Myanmar guarantees all citizens, irrespective of birth, race, sex, or religion, the rights of equality, freedom, and rights relating to religion. Unfortunately, the Rohingya people became the worst victim of the violation of those fundamental rights by Government of Myanmar (GOM) (Razzaq & Haque, 1995).

Deprivation from Religious Practice

All people have the constitutional right to freely express their religious beliefs and practices through their education, worship, and daily lives, as protected by international law (Nations, n.d.). Unfortunately, the Rohingya Muslims have no right to practice their faith in an honorable manner freely (Rashid, 2005). Both the construction of permanent mosques and the granting of funeral rights to cemeteries are prohibited by GOM (Ahmed, 2010). Although the pre-revised constitution of Myanmar provides religious freedom all individuals not just citizens, it revised article 34 in 2008 to ensure that all citizens might freely exercise their faith (Refugees, n.d.-a).

Sexual Harassment and Assault

The women and girls, particularly Rohingya women, are victims of rape and sexual harassment in the North Arakan State of Myanmar, which is considered a clear violation of basic Human Rights established in the Universal Declaration of Human Rights (UDHR) 1948 (Hossain, et al., 2021). The Government of Myanmar (GOM) and Boarder Guard Force (Nasaka) have used armed and unarmed violence against the Rohingya population, leading to harassment, rape, murder, and physical abuse (Ahmed, 2010). Women in the Rohingya community accuse local

police and other community members of torturing or abusing them. The UN Special Rapporteurs have highlighted the prevalence of such violence since the 1990s.

A Synthetic Analysis of Identity, Citizenship, and Human Rights

The three cases collectively illustrate how state practice and law build exclusionary citizenship to construct identity. The statelessness of the Rohingya is not a mere coincidence; rather, it is the outcome of intentional policies aimed at erasing their sense of belonging. Hall (1997) posits that identity is inherently relational; Myanmar's Buddhist majority delineates its identity in opposition to the Rohingya, whose Muslim identity is depicted as antithetical to national unity. The refusal to grant citizenship to Rohingya led to many human rights violations, which can be classified into three broad categories.

- Civil-Political Rights: Rohingya are not allowed to vote, hold office, or receive justice.
- Socio-Economic Rights: The denial of access to healthcare, education, and employment serves to sustain the cycle of poverty.
- Collective Rights: The demolition of cultural sites, such as mosques, results in the erasure of their heritage (Kohli 2019).

The aforementioned violations are in direct opposition to several provisions of the Universal Declaration of Human Rights (UDHR), including Article 15 (right to a nationality) and Article 25 (right to a decent standard of living) (United Nations 1948). Nevertheless, as Arendt (1951) warned, stateless individuals are in a "legal limbo" where protection under international law is hypothetical.

CHAPTER 5

FINDINGS AND CONTRIBUTIONS

The analysis of Myanmar's three historical events—the 1982 Citizenship Act, the 1989 Citizenship Scrutiny Exercise and the 2017 Military Crackdown in Myanmar, uncovers repeated patterns of how the Rohingya are denied identity, citizenship and have their human rights violated. These findings illustrate how the state mechanisms apply strict laws, bureaucratic and violent instruments to impose statelessness, while prevailing narratives dehumanize them as perpetual outsiders. The analysis shows that the Rohingya's status as outsiders in Myanmar is a socially manufactured reality influenced by dominant narratives and governmental policies rather than an innate reality. The 1982 Citizenship Act institutionalized ethno-religious nationalism by granting citizenship only to the national races of Myanmar (taing-yin-tha). Despite historical proof of the Rohingya's existence in Rakhine State since pre-colonial times, the law solidified their position as "foreigners" by omitting them from the list of 135 recognized ethnic groups (Gutman 2001; Mohajan 2020). The Act's Article 3, connecting citizenship to those present in the country prior to 1823, was unfairly applied to Rohingya, where socially constructed classifications are seen as inherent realities. Being a Buddhist majority, the country formed its national identity around the idea of excluding outsiders. Legal codification of Rohingya as non-citizens through the 1982 Citizenship Act gave validity to their dehumanization. This legal exclusion was further solidified by public rhetoric and political discourse, such as General Ne Win's 1982 speech, which presented the Rohingya as tolerated residents but barred from state affairs (Myanmar Citizenship Law 1982,

Mamdani 1996). The Act also denied Rohingya their civil and political rights, leaving them stateless. As of 2017, 98% of the Rohingya lacked documentation of their citizenship status, thus being denied access to education, healthcare, and legal employment (Ahmed et al. 2021).

On the other hand, the 1989 Citizenship Scrutiny Exercise (CSE) enacted the exclusion provisions laid out in the 1982 Act. The Rohingya faced the requirement to establish their ancestry via state-approved documentation, a process that was systematically denied. The implementation of color-coded identity cards, with pink designated for full citizens, blue for associate and green for naturalized individuals, effectively delineated the Rohingya community as outsiders. Despite the Rohingya's historical existence in Rakhine State, these cards served as symbols of statelessness and instruments of social exclusion, strengthening the idea that they are "illegal immigrants" (Anderson 2006). This study finds the proof of erasure, notably a Rohingya man's testimony where he was instructed to be reported as 'guest people' as his own ethnicity even though, as he noted, “We were born here” (Human Rights Watch 2013). This bureaucratic gaslighting reflects Mamdani’s (1996) examination of administrative violence during the colonial era, in which citizenship frameworks categorized populations into “citizens” and “subjects.” Moreover, because of not having citizenship cards, 72% of Rohingya households in Rakhine State depended on informal jobs in 2010 and earned around 60% less than local Buddhists (Chan 2017). The CSE illustrates Bourdieu’s (1991) concept of symbolic power, wherein state institutions establish categories of belonging that serve to normalize inequality. Through the regulation of identity documentation, the regime in Myanmar has effectively reduced the Rohingya to a state of “bare life” (Agamben 1998), stripping them of any political agency.

Furthermore, the 2017 crackdown, presented as a “counter-terrorism” initiative against the Arakan Rohingya Salvation Army (ARSA), indiscriminately affected civilians. Satellite imagery revealed the destruction of 200 villages, and survivor accounts provided harrowing details of mass killings, sexual violence, and forced displacement (UN OHCHR 2018). The human rights catastrophes of the 2017 military crackdown are countless for the Rohingya population. For example, more than 700,000 Rohingya sought refuge in Bangladesh, adding to the 300,000 refugees already present (UNHCR 2017). Research indicates that Buddhist extremists engaged in the destruction of mosques and Islamic texts, contributing to a process of cultural erasure that undermines the Rohingya's connection to their heritage (Kohli 2019). In light of substantial evidence, it is vivid that geopolitical interests have obstructed the pursuit of accountability. China and Russia exercised their veto power on UN Security Council resolutions, whereas Aung San Suu Kyi justified the military’s actions at the International Court of Justice (Harris 2018). The violence serves as an obvious instance of Blumer’s (1969) symbolic interactionism, wherein the military's perception of the Rohingya as “threats” rationalizes their annihilation. The portrayal of Rohingya as “Bengali infiltrators” through state propaganda employs Orientalist tropes (Said 1978) to justify acts of genocide.

By analyzing the three historical cases, this study reveals a continuum of oppression of Rohingya in the form of legal exclusion, bureaucratic erasure, and physical annihilation. The 1982 Citizenship Act denied citizenship, whereas the 1989 CSE enforced statelessness and finally the 2017 Military Crackdown erased the presence of Rohingya from Myanmar. The findings of the study also reveal Rohingya's statelessness and infringement of human rights due to lack of citizenship rights in Myanmar. The strict requirements of the 1982 Citizenship Law, along with the discretionary powers given to authorities in Articles 8(b) and 71, made it possible for the

government to take away the citizenship of the Rohingya without any reason (Republic of the Union of Myanmar 1982). The Rohingya population lost their civil and political rights as they were not allowed to vote, own land, and access courts. Moreover, 89% of Rohingya live in extreme poverty (Ahmed et al. 2021), which is a clear indication of their lack of socio-economic rights. The Rohingya's collective rights, e.g., mosques and Islamic texts, have also not been protected in Myanmar. This cultural erasure violates Article 27 of the International Covenant on Civil and Political Rights (ICCPR) (United Nations 1966).

In summary, the Rohingya catastrophe is a planned outcome of Myanmar's ethno-nationalist state-building, not a humanitarian anomaly. Together, the 1982 Act, 1989 CSE, and the 2017 crackdown show how identification is employed as a weapon to deny humanity and citizenship. These systems of exclusion are not inherent or fixed; rather, they are the result of human design and are subject to deconstruction, according to social construction theory.

Conclusion

The Rohingya's lack of citizenship and deprivation of human rights are the result of intentional social construction processes that deny them citizenship and national identity in Myanmar. This exclusion was legitimized by the 1982 Citizenship Act and the 1989 Citizenship Scrutiny Exercise, which denied the Rohingya legal and administrative recognition and access to their rights. Rooted in ethno-religious nationalism, this legal exclusion further served as justification for the systematic marginalization and brutal persecution that eventually culminated in the military crackdown in 2017. This study elucidates that citizenship and identity are neither immutable nor inherent but are socially and politically constructed categories that may be modified

to either include or exclude groups from rights and protections. The plight of Rohingya underscores the essential connection between human rights and legal recognition, illustrating the dire repercussions of statelessness. It demonstrates how governmental policies can exploit identity and citizenship to revoke rights and rationalize violence.

The research underlines the imperative need for substantial legislative reforms in Myanmar to recognize the Rohingya's citizenship rights and restore their political and social integration. Moreover, it demands a more robust international response to ensure accountability and safeguard vulnerable stateless communities like the Rohingya. The Rohingya situation highlights the need for inclusive, rights-based frameworks that respect the humanity and dignity of all people by illustrating how social constructs of identity and citizenship interact with power to result in severe violations of human rights. Future studies ought to investigate avenues for the political reintegration of the Rohingya and strategies to promote social cohesiveness within Myanmar's multi-ethnic society. The dynamic interrelationship between identity, citizenship, and human rights remains key to tackling statelessness and averting analogous crises worldwide.

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