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# The Hidden Side of Democratization

Myanmar's transition to democracy and ethnic violence against the  
Rohingya minority.

# Abstract

This paper examines the connection between Myanmar's democratic transition and ethnic violence against the Rohingya minority. This is done by using Jack Snyder's theories on democratization and nationalism. The paper compares reports on Myanmar's development from 2003-2011 and 2011-2018 by UN-investigators in relation to democratization and ethnic violence against the Rohingya. It concludes that the country's democratization has increased ethnic violence against the Rohingya, leading up to the 2017-genocide against the Rohingya. Governmental agents, primarily the military, have spread and exploited exclusionary nationalism against the minority in order to maintain their interests and power. However, ethnic violence has not been created by democratization but rather increased due to it.

Keywords: *democratization, elections, ethnic violence, minorities, genocide, Myanmar, Rohingya*

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# Introduction

Democracy is something to strive for. Not only do the people of a democratic society obtain a voice, empowerment and emancipation: empirically, democratic societies are more peaceful than other societies (Teorell, 2016:209). The democratic ideals can combat marginalization and nationalist breakdowns on minorities' rights. However, the transition *towards* democracy - democratization - can be violent and spur ethnic conflict (Snyder, 2000:20). This paper should *not* be seen as a critique of democracy or democratization, rather it investigates violence against minorities in the context of democratic transition. This is done to understand the violence, its perpetrators and victims in hope for democratization without violence against minorities. In the fall of 2017, the Rohingya Muslim minority of Myanmar's Rakhine State of the Rakhine State in Myanmar was victim to a genocide (A/HRC/39/64 p.16 §87), only some years after the first elections in the country for over two decades (A/HRC/16/59 p.1). This paper investigates if there is a connection between the ethnic violence against Rohingya and Myanmar's democratization through the following research question: *"Has the democratization of Myanmar influenced ethnic violence against the Rohingya population?"*

## Background: Myanmar and the Rohingya

Until the British occupation of 1826, Arakan (today Rakhine State), had only occasionally been a part of Burma. This incorporation of Burmese territory into British jurisdiction was soon followed by an occupation of the entire Burmese state in 1886, resulting in a diminishment of the previously dominating Buddhism (Ibrahim, 2016:21-23) and divide-and-rule politics. This created resentment against the British from the Buddhist majority, but acceptance amongst e.g. the Muslim Rohingya of Arakan. This dynamic had long-lasting effects and played a part in the anti-Muslim violence during anti-colonial uprisings during the 1930s and in the discrimination against the Rohingya under Japanese occupation during World War II (Ibrahim, 2016:26-28).

In the time before independence in 1948, Burma's political entities were split into two fractions with dissenting ideas primarily about religion. Some wanted to rebuild the Buddhist society suppressed under British rule while others argued for a more inclusive and secular society. Ultimately, the former side won and as the country underwent various ethnic conflicts, military influence grew (Ibrahim, 2016:35-37). After a military coup in 1962, the rights of the Rohingya were slowly dismantling, from already vulnerable levels. The situation deteriorated in 1982 when four categories of citizenship were created on the basis of an ethnic group's presence in Burma in the time period before the First Anglo-Burmese War. Only these ethnic groups were eligible for citizenship and the Rohingya was not included (Ibrahim, 2016:50-51), thus becoming stateless. This statelessness has made the Rohingya vulnerable to the military with various waves of atrocities following this, resulting in many fleeing to Bangladesh during military rule (Ibrahim, 2016:51-52; David & Holliday, 2018:24).

The military regime was composed of two parts: The socialist regime from 1962-1988 and the authoritarian capitalism from 1988-2011 (David & Holliday, 2018:21-22). The latter changed the country's name from Burma to Myanmar (Ibrahim, 2016:39-40). During our period of research, Myanmar saw many changes, including both the transition to a civil regime and the genocide against the Rohingya community. As this will be depicted in the analysis, it will not be further detailed here.

# Method

## Review of theory

We will be using Jack Snyder's theories on democratization and nationalism (Snyder 2000). Snyder is known for his realist approaches (Zakaria, 1992:178), which we nuance by applying a narrow human security perspective on his definitions. This will be explained in detail in "operationalization". In order to adapt Snyder's theories to the case of Myanmar, we also interpret his understanding of ethnic conflict as instrumentalist, where ethnic conflicts are constructed from elites' interests (Kaufman, 2016:91). We have chosen his theories from an understanding of the time period in which he formulated them and interpret these as a reaction to the American and Western post-Cold War liberal peace, which under-theorizes democratization's nationalist consequences. (Snyder, 2000:15-16).

## Operationalization

In order to analyse upon democratization's effect on the ethnic violence against the Rohingya, we define democratization (which we equate to democratic transition) as the following:

*"In mature democracies, government policy, including foreign and military policy, is made by officials chosen through free, fair and periodic elections in which a substantial proportion of the adult population can vote; the actions of officials are constrained by constitutional provisions and commitments to civil liberties; and government candidates sometimes lose elections and leave office when they do. Freedom of speech, freedom to organize groups to contest elections, and reasonably equitable representation of varied viewpoints in the media are presumed to be preconditions for free and fair elections. I define states as democratizing if they have recently adopted one or more of these democratic characteristics, even if they retain important nondemocratic features."* (Snyder, 2000:25-26).

We understand ethnic violence by interpreting Snyder's definition of ethnic conflict from a narrow human security perspective. Snyder uses Anthony Smith's definition of *ethnie* which "has a distinctive consciousness based on a common language or culture, myths of common

*ancestry or a common historical experience*” (Snyder, 2000:23). While *ethnic conflict* in Snyder’s theories can be understood as the dyad between combatting parties (Snyder, 2000:23), we will investigate the case of Myanmar as *violence* rather than *conflict*. We are not investigating *conflict* between combatting groups but instead, the *violence* perpetrated by the Burmese government, based on ethnicity. This, we see as ‘ethnic violence’. In this definition, we undertake a narrow understanding of human security, where individuals threatened by violence (Liotta & Owen, 2006:42-43) is the focus of our understanding of the conflict. Hereby, we are to use a somewhat realistic theory from a critical (Jarvis & Holland, 2015:105) point of reference. Thus, we understand ethnic violence as violence against a group who sees itself or is seen as distinct in culture, history and institutions. This enables us to answer our research question.

Our research question is answered through a comparison of two periods in Myanmar’s history: the period leading up to the democratization and the period after democratization started. Since democratization is not a single event, but rather a process, the periodization might be somewhat arbitrary. We have chosen the two periods to better understand these societal transformations: The first period covers the beginning of 2003 to March 2011. The second period covers March 2011 to September 2018. These exact months are chosen because of the publishing of the primary literature. The reason why the first period is 5 months longer is because of different months of publications of our primary literature. As we will present in the analysis, we understand the elections of November 2010 as the onset of the democratization process and based on this we divide the two periods.

In order to answer our research question, our analysis will focus on the following:

- a) How has democratization developed in Myanmar?
- b) How has ethnic violence against the Rohingya developed?
- c) Explanatory models
  - i) Has there been a rise in exclusionary nationalism against the Rohingya?
  - ii) If so, which actors have exposed the Rohingyas to the exclusionary nationalism which kind of exclusionary nationalism is it?

These questions are made to verify firstly our independent variable (democratization), secondly our dependent variable (ethnic violence). Hereafter, we analyse upon this possible

connection, where questions *c.i* and *c.ii* are explanatory to understand the possible connection between democratization and an increase in violence against the Rohingya.

## Working method

We have obtained reports from the UN Human Rights Council (HRC) and the UN Commission on Human Rights<sup>1</sup>, primarily written by the Special Rapporteur (SR) on the situation of the human rights situation in Myanmar. This is an independent investigator (OHCHR [1]), and a position that rotated twice during our period - in 2008 and 2014 (OHCHR [2]). We received these reports from the UN Digital Library (digitallibrary.un.org) by requesting access to the database. Here, we used the full-text search to scout for reports from UN Human Rights Bodies from 2003-2018 with *Myanmar* in the title as well the words *Rohingya*, *Arakanese*, *Arakan* or *Rakhine*. We further limited the result by excluding reports on communications, children's rights, Universal Periodic Reviews, summaries by OHCHR and on stakeholder's submissions, reports from Myanmar's government, national reports, as well as the SR's reports to the General Assembly<sup>2</sup>. In the remaining twenty reports there are however two reports not written by the Special Rapporteur: A/HRC/32/18 by the High Commissioner for Human Rights, and A/HRC/39/64, a summary from the independent international fact-finding mission on Myanmar (A/HRC/39/CRP/2). We have chosen this summary instead of the full report because of limited time. We believe that the two differentiating reports are important enough for our research to shy away slightly from the consistency.

In order to extract relevant information from these reports while still being cautious about our working effort, we have searched for the following words in the documents: *democratization*, *democracy/democratic*, *election*, *nationalist/nationalism*, *Rohingya*, *Rakhine*, *Arakan/Arakanese*, *Sittwe*, *Muslim*, *ethnic minority* and *Bengal/Bengali*, and the reports' summaries and conclusions. The words were chosen due to their relevance for our research and variables. Occasionally, some of the words existed in contexts where no information was relevant to us, and thus we constantly analysed the information we gathered.

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<sup>1</sup> UN Human Rights Council replaced the UN Commission on Human Rights in 2006 (A/RES/60/251, p.2)

<sup>2</sup> Reports that are made to the General Assembly in August, since we take their reports to the Human Rights Council in March



## Material

We have chosen these UN-reports because of their high credibility and independence (OHCHR [1])<sup>3</sup>. If they portray allegations, this is clearly stated (e.g. E/CN.4/2004/33, p.3). We are aware of the fact that the HRC has been criticized for its member states (Tisdall, 2018). However, the reports we analyse upon are not written *by* the member states, but *to* the member states by independent UN-staff. That said, the reports are indeed mandated by the HRC (OHCHR [1]). Therefore, they cannot exist completely in a vacuum of political interests among the member states.

Epistemologically, even though the specific report does not state a human rights violation, the violation may still be present. Similarly, a lack of reporting a human rights violation might also be caused by the absence of securitization of the issue within the mandates given by the HRC. The ethnic violence depicted in the reports, is also perpetrated against other minorities than the Rohingya (e.g. A/HRC/39/64 p.11-13, §§55-70). However, this is outside our research question.

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<sup>3</sup> With the exception of A/HRC/32/18 by the High Commissioner on Human Rights (OHCHR[1])

## Previous research

The connection between democratization and ethnic violence has been studied in a small, but influential part of Peace and Conflict-literature gaining recognition in the 1990s (Holliday, 2008:1040). Two prominent theories here are Jack Snyder's "From Voting to Violence" (which this paper builds upon) and Donald L. Horowitz's "The Challenge of Ethnic Conflict: Democracy in Divided Societies" (Engström-Baron, 2016:102). They both dispute the liberal peace theory, and argue that ethnically divided societies easily slip into exclusion and contestation between different ethnic groups due to democratization (Snyder, 2000:15-16; Horowitz, 1993:19,23-25).

In 2008, Ian Holliday applied Snyder's theories to Myanmar, where the military had promised elections to be held two years later (Holliday 2008). However, Holliday researched into the general state of ethnic groups, not the Rohingya population (Holliday, 2008:1038-1040). Similarly, as the paper is from 2008, it does not analyse upon the democratization that would later occur. Harrison Akins introduces research on Myanmar's democratization and violence against the Rohingya, however this focuses more on discrimination of the Rohingya as a product of British colonial rule, rather than on democratization's influence on this (Akins, 2018:229;240-242;242-243). Hereby, this paper adds to the literature on violence against the Rohingya, but more clearly directs it to the relation of democratization.

Although the above mentioned theories explicitly or implicitly contends Samuel Huntington's theories on a "clash of civilizations" (Snyder, 2000:18), the notion of *ethnicity* is somewhat slippery. We are aware of Chris Gilligan's thoughts on this issue (Gilligan, 2016:78). When using the term ethnicity is it thus important to keep in mind the context in which the word is used and the way in which the term is socially constructed and "variable and contingent" (Gilligan, 2016: 84-85).

# Theory

According to Snyder, while democratic consolidation causes a reduction in ethnic conflict, initial steps of democratization increases it (Snyder, 2000:20,28-29). His definitions of democratization and ethnic conflict have already been outlined under “operationalization”.

For Snyder, the literature on the correlation between democratization and ethnic conflict includes a false understanding of ancient hatred as the cause for ethnic conflict - a perspective he calls the *popular rivalries view*. Instead, he argues that “*mass nationalism is rarely developed before democratization*” (Snyder, 2000:33-36). Snyder uses the *elite-persuasion* explanation of the rise in nationalism, which we interpret as instrumentalist. Elite groups can incite nationalism to give some power to the population, whilst at the same time control the political authority. In this situation, a new elite can contest an old elite’s power, which creates a power play. However, both the old and new elites are reluctant of a full democratic transition since they want to maintain their interests. They use nationalism for political gain in order to call for popular influence, while maintaining power over the institutions and thus hindering a consolidated democracy (Snyder 2000: 36-39). Snyder divides this nationalism into *inclusive* (civic) and *exclusive*, where the latter is further reduced into three subtypes (ethnic, revolutionary and counterrevolutionary). These are ideal types (Snyder, 2000:70).

Snyder argues that one effective tool for the elites to retain power is the exclusionary nationalist doctrine of “enemies of the nation”. By excluding e.g. ethnic minorities from the political participation and associate them with a foreign power, they are an “enemy within”. This entitles the nationalists to strip the minority of their rights, as well as downgrades the democratic rights of the general citizen (Snyder, 2000:36-39). The suppression and rhetoric of exclusionary nationalism can both create conflict within a country, and with other states (Snyder, 2000:66-69). The nationalism is a result of the elite’s capability to control the control the discourse as well as maintaining their interests (Snyder, 2000:37). The elite can take advantage of the underdeveloped medias to spread nationalism (Snyder, 2000:56). Here, the lack of regulatory institutions and weak media institutions can result in the elites exploiting the partial monopoly of the media and as such resulting in continued nationalist propaganda to control the discourse and support their claim of power (Snyder, 2000:65-66).

As abovementioned, Snyder sees four types of nationalism, three of them are exclusionary. The type of nationalism is dependent on both social-economic development as well as the adaptability of the elites interests and the strength of the political and administrative institutions (Snyder, 2000:72-74). *Civic nationalism* requires strong institutions along with an elite that is adaptable to the transition. Here, democratization can be expected to progress quite smoothly as this nationalism is based on citizenship rather than ethnicity, and incorporates non-discriminatory laws and institutions (Snyder, 2000:76-77,80). *Counterrevolutionary nationalism* is an exclusionary nationalism seen with elite interests that are unadaptable to the democratic transition, whilst there are strong administrative institutions. Here, the unadaptable elites mobilizes on calls for national self-rule whilst limiting democratic accountability. The “enemy of the nation”-doctrine is especially used in this context. Snyder sees counterrevolutionary nationalism’s exclusion as opportunistic and used to divide potential oppositions (Snyder, 2000:78). As our findings will not discuss *revolutionary* or *ethnic nationalism*, we will not further depict them here.

For Snyder, a well-functioning (civic nationalist) democratic transition requires that the country is rich along with a high degree of modernisation and has elites adaptable to changes and already established liberal institutions before the democratic transition (Snyder, 2000:315). Due to a consideration of time, we do not focus on the socioeconomic parts of Snyder’s theory on modernisation.

# Analysis

## a) How has democratization developed in Myanmar?

In the following paragraphs, we will assess the democratic development in Myanmar under our time of research. This is done by dividing our periods into sub-periods dependent on various dramatic developments related to democratization, and then comparing the two. These sub-periods are in the first period: 2003-2007, 2007, 2008-2011, and in the second period: 2011-2014, 2014-2016 and 2016-2018.

### First period (2003-2011)

*During the time between 2003 to 2007*, Myanmar's democratization sees small developments, stagnations and declines. In August 2003, a seven-point roadmap for a democratic transition is presented, which does not include opposition (E/CN.4/2004/33 pp.3,11 §27). In the following years, the path towards democratization is moving slowly (e.g. E/CN.4/2005/36 p.18 §53) if not stagnating or even reversing. Nonetheless, it is announced in September 2004 that efforts are being made to draft a referendum on a democratic constitution, which is to be followed by free and fair elections (E/CN.4/2005/36 p.7 §8). However in 2005, there is a backlash where the opposition is continually intimidated and harassed (E/CN.4/2006/34 p.12 §37). The SR also concludes that the legislative bodies are still "*fundamentally anti-democratic*" (E/CN.4/2006/34 p.24 §111). The military announces its plans to become a political party, the Union Solidarity and Development Association (USDA), and run in the previously mentioned elections. (A/HRC/4/14 p.9 §27).

Hereby, Myanmar is not in the process *of* democratization yet, but rather *towards* a democratization onset. There are both improvements and setbacks in relation to the path towards a democratic transition, with plans on having elections. The military's plan to participate in these as USDA nonetheless illustrate their intention to keep control over the process.

*In September 2007*, the government brutally cracks down on peaceful protesters. The protests are a response to increased fuel prices (A/HRC/6/14 pp.2,4 §§1,2). The SR also reports how

the seven-point roadmap to democracy has been further limited (A/HRC/7/18 p.4 §13). Similarly, there is a decline in general quality of life, and a lack of investigation into the police crackdowns. The SR argues that the government's actions are “*jeopardizing the stable basis for a solid transition to democracy*” (A/HRC/7/24 p.12 §44).

The democratic transition, promised already in 2003, has yet to be implemented and the military crackdown shows a continued disregard of the rule of law. Therefore, the transition has yet to occur and the space for this is slowly dismantling.

*During the period from 2008 to 2011*, a new constitution is finalized in February 2008 and a referendum is held in May same year (A/HRC/8/12 p.5 §10). However, the referendum has crucial shortcomings and the SR does not see it as either inclusive, participatory or transparent (A/HRC/8/12 p.6 §§11,12). Similarly, international election observers are excluded and the opposition party, National League of Democracy (NLD), dismisses the referendum and the result (A/HRC/8/12 p.6 §§14,15). Crucially, the constitution entails Tatmadaw (the military) to appoint 25% of both legislative bodies and selecting important ministerial posts. It also excludes civilian oversight over military affairs (A/HRC/39/64 p.4 §11). Nonetheless, the 2009 report states that the new constitution includes freedom of opinion, expression, assembly and association. However, 16 journalists and bloggers are in prison at the time of the report (A/HRC/10/19 p.11 §46), and the number of political prisoners doubles the two years following the referendum (A/HRC/13/48 p.6 §15).

In November 2010, the country has its first elections for more than two decades and NLD leader Aung San Suu Kyi is released a week later (A/HRC/16/59 p.3 §3). The election result in a victory for the military USDP (A/HRC/16/59 p.4 §11). There are numerous irregularities under the elections, and it does not meet international standards (A/HRC/16/59 pp.4-6, §§13,17,19). However, in the March 2011 report, the SR sees this as a “*historic moment for Myanmar*” (A/HRC/16/59 p.6 §97) and refers to it as “*transition to civilian rule*” (A/HRC/16/59 p.11 §47).

The major developments in this last sub-period, we argue, constitute as a democratization under Snyder's theories. We see many positive changes, however these are far from consolidated. This will be further discussed when answering “How has the democratization developed in Myanmar?”.

Second period (2011-2018)

*From 2011 to 2014* Myanmar's democratization is progressing. In 2012, the country is at a crucial moment in its history with positive human rights developments, although the progress has "*risks of backtracking*" (A/HRC/19/67 p.1). By elections are scheduled to be held in April 2012, prisoners of conscience have been released and reforms are made to create new national institutions (A/HRC/19/67 pp.3-4 §3 II:§7). Nonetheless, Myanmar still "*lacks an independent, impartial and effective judiciary*" (A/HRC/19/67 p.4 §12). The president announces another step in the reform-process: an administrative reform focusing on transparency, efficiency, good governance and corruption (A/HRC/22/58 p.14 §62). However, there is a "*large gap between reform at the top and implementation on the ground*" (A/HRC/22/58 p.17 §83).

In 2013, the SR contests previous statements and argue that the democratic transition, although fragile, has "*limited space for backtracking*" (A/HRC/25/64 p.17 §66). However, the "*impunity and systematic discrimination in Rakhine State*" could "*jeopardize the entire reform process*" if not addressed (A/HRC/25/64 p.17 §67).

Now it is evident that there is a democratic transition in the country. The 2010 elections and 2012 by-elections indicate periodic consistency, while the civil regime has some power over the country. Similarly, with the release of prisoners of conscience, it can be argued that there is a minimal degree of freedom of speech and freedom of assembly (Snyder, 2000:26). The fact that there is a gap between the government's reforms and the implementation on the ground and systematic abuses in Rakhine, nevertheless illustrates that neither democratization nor the new government's power has been consolidated. Nonetheless, the process goes from having risks of backtracking to having limited space for backtracking.

*During the period from 2014 to 2016*, the democratic space is both expanding and declining. In the first part of this period, democratization is diminishing (A/HRC/28/72 p.3 §4). Although progress has been made in terms of free and independent media, this is still not separated from state control (A/HRC/28/72 p.3 §5). In November 2015, elections are held where NLD wins by a landslide, and both national and international observers were present to assert the election's liability (A/HRC/31/71 p.2 §5). Following the elections, the former government and the Commander-In-Chief of the Armed Forces affirms a peaceful transition

of power. However, the military retains its privileges, and Muslims are excluded from running for office (A/HRC/31/71 p.3 §§6,7).

The elections show progress for the democratic transition, as the former government is willing to concede - central for Snyder's definition of democracy (Snyder, 2000:26). However, the military's reserved presence in the parliament and the suppression of Muslims signifies a threat for the democratic transition, despite the civilian regime's increased power.

*The period between 2016 to 2018* sees a democratic backlash. The SR is concerned with intimidation and silencing of critical voices (A/HRC/34/67 p.5 §23) and concludes that the state institutions and the constitutional framework give the military predominance over the civilian regime (A/HRC/34/67 p.16 §82; A/HRC/37/70 p.4 §12). The SR argues that the government must hold the perpetrators of violence against the Rohingya accountable in order for democratization to take place (A/HRC/37/70, p.14 §64) and argues that "*the repressive practices of previous military governments are becoming the norm once more*" (A/HRC/37/70 p.4 §12).

The democratization is declining in this period, despite the NLD's rise to power. The civil government does not have control over the military and the new government's practices are repeating the practises of the former. Finally, the lack of accountability towards the persecution of the Rohingya hinders democratization.

How has democratization developed in Myanmar?

In our time of research, Myanmar initiates and cements a democratization phase, however this transition is also exposed to major setbacks.

We understand the *election of 2010* and not the *referendum of 2008* or *the new constitution* to be the onset for a democratic transition. According to Snyder, elections are a part of the democratization process where government policies are chosen in "*free, fair and periodic elections*" (Snyder, 2000:26). He does not mention referendums, but we interpret his view of electoral processes in referendums to be equated to other elections. However, although there has been a call for vote, the referendum can be described as neither free nor fair. The government's control of the referendum is so extensive that we do not see this as an initiation of the democratic transition. In relation to the constitution it can be argued that there are signs of progressing democratization, where "*the actions of officials are constrained by*



*constitutional provisions and commitments to civil liberties*” (Snyder, 2000: 26). These constraints nevertheless only exists in theory.

We do however see the November 2010 elections as the onset of democratization. Although these do not live up to international standards, they are referred to as the transition to civilian rule. The period from 2011 to 2018 undergoes major democrattizing developments - something which makes us believe that the democratization here is cemented. Nonetheless, this has both stagnated and declined by the end of the second period. On one hand, Myanmar undergoes significant democratization in the 2015 election, where the former opposition gained majority. On the other hand, the suppression of Muslims and the Rohingya, the military’s continued predominance as well as the silencing of critics brings the democratic transition to a halt.

## b) How has ethnic violence against the Rohingya developed?

In the following piece, we will divide our periods into sub-periods dependent on various dramatic developments related to the violence. These sub-periods are (in the first period) 2003-2007, 2007-2009, 2009-2011, and (in the second period) 2011-2012, 2012, 2013-2017, 2017-2018. We have chosen another sub-periodication than in the analysis of democratization due to a varying series of events of this variable.

### First period (2003-2011)

*From 2003 to 2007, the Rohingya's rights are slowly deteriorating.* The 2003 report does not mention the Rohingya (E/CN.4/2004/33). However, there are improvements on forced labour in Rakhine (E/CN.4/2004/33 p.17 §57), which the Rohingya are later reported to be especially vulnerable towards (A/HRC/4/14 p.15 §59). There are also allegations of violence against Muslim communities, but it is uncertain whether this is political or not (E/CN.4/2004/33 p.15 §44). In 2004, the Rohingya are mentioned as a Bengali-speaking Muslim minority in north-western Rakhine. They are mentioned to be “*excessively restricted*” and “*de facto stateless*” (E/CN.4/2005/36 p.14 §38). Restrictions escalate in 2005 as the authorities stop issuing temporary resident's cards to the Rohingya. The minority faces imprisonment for travelling inside and outside Rakhine, difficulties in gaining permission to marry, neglect of birth registration and obstacles to accessing education (E/CN.4/2006/34 p.16 §60). Furthermore, military presence in northern Rakhine results in restrictions on Rohingya's freedom of movement and arbitrary closings of mosques (A/HRC/4/14 p.15 §59).

The findings above illustrate that in the beginning of our investigated time period, there is sparse mentioning of the Rohingya. However, this changes as the severity of the human rights violations in Rakhine increase. The Rohingya face discrimination and are stripped of their rights, particularly because of their statelessness. Thus, they are suppressed based on their ethnicity even before the transition, although it is unclear whether the suppression manifests itself as ethnic violence in this sub-period, since the political aspects of the violence reported are ambiguous.

*In the period from 2007 to 2009, there is a lack of information on the Rohingya, and both small improvements and backlashes on their rights.* The reports on the September 2007

protests show little or no mention of the Rohingya and Muslims (A/HRC/6/14; A/HRC/7/24; A/HRC/8/12).

In the 2008 report, 35,000 Rohingya are mentioned to have been provided with temporary registration certificate as identity documents (A/HRC/7/18 p.17 §79), thus improving their rights as stateless, although this does not equal citizenship. Furthermore, 728,000 Rohingya “*are subject to systematic discrimination and abuse, which, according to various sources, have worsened*” (A/HRC/7/18 p.17-18 §78). The Rohingya’s statelessness makes them especially vulnerable to gender-based sexual violence (A/HRC/10/19 p.15 §66). There has furtherly been a rise in arbitrary taxes and forced labour since November 2008 because of military expansion in the area (A/HRC/13/48 p.17 §91).

We argue that the limited information on the Rohingya in the start of the sub-period can be explained by a shift of focus due to the major human rights violations during the September 2007 demonstrations. Therefore, there are risks of underreporting during this time, although we interpret this as a lack of dramatic development in the violations against Rohingya. However, by the end of the period the Rohingya’s rights are deteriorating due to the military expansion in Rakhine.

*During the time between 2009 and 2011*, the Rohingya’s rights further deteriorate and they face “*systematic and endemic discrimination*” (A/HRC/13/48 p.16 §86). Previously mentioned aspects of violations of their rights are rapidly deteriorating (A/HRC/13/48 pp.16,17,20 §§87-89,93,116). As a consequence of military expansion in the area, barbed wire fences are constructed along the border to further prevent the free movement of the minority (A/HRC/13/48 p.17 §91). The SR has received reports on Rohingya fleeing by boat to Thailand due to the discrimination they are exposed to (A/HRC/16/59, p.11, §46).

During this time period, there is an increase of suppression against the Rohingya. There has been a rise in military suppression, and the fact that people are fleeing demonstrate this development. As we define the democratization to begin by the end of this period, there is a possibility that our two variables correlate. Nevertheless, as it has already been observed that the Rohingya’s rights deteriorated throughout the whole first period. Therefore, we argue that the deterioration of the Rohingya’s rights after the 2010 elections is not yet diverging.

Second period (2011-2018)

*Between 2011 and 2012* there are both improvements and deteriorations. In August 2011, the border authorities, Nasaka, stopped issuing marriage permissions for the Rohingya (A/HRC/19/67 p.15 §71). However, the government acknowledges the possibility for policies where those holding temporary identity certificates can apply for naturalized citizenship. The SR endorses this initiative if implemented (A/HRC/19/67 p.15 §72). Furthermore, “*tens of thousands of children remain unregistered*”, but the government undertakes initiatives to register 6,000-7,000 children in Northern Rakhine State (A/HRC/19/67 p.15 §71).

It is still too early to conclude if the Rohingya’s rights have been impacted by democratization. While the new government is making some concessions, the Rohingya is continually discriminated against by military authorities.

*In June and October 2012* there are outbreaks of violence against the Rohingya. Much is committed by Nasaka. The number of deaths and sexual assault cases under this period remain largely uncertain as the SR have not received any reliable information (A/HRC/22/58 pp.11-13 §§49,55,58). Before 2012, there were reportedly friendly relations between the Rohingya and Rakhine (the Buddhist majority group in Rakhine), but the violence marks a turning point for the relationship between the communities (A/HRC/39/64 pp.5,7 §§16,27). The violence results from “[a] *campaign of hate and dehumanization of the Rohingya*” mobilized by the Rakhine Nationalities Development Party (RNDP), and other Buddhist-nationalist organizations and actors (A/HRC/39/64 p.7 §25). The Rohingya are depicted as illegal immigrants and terrorists with “*uncontrollable birth rates*” (A/HRC/39/64 p.7 §25). In November 2012, the RNDP cites Hitler in an official publication, arguing that acts of inhumanity are necessary to “*maintain a race*”, (A/HRC/39/64 p.7 §25). In internally displaced persons camps (IDP-camps), where many Rohingya and other Muslims are forced to live, the SR find inadequate conditions. These are not a result of lack of resources, but rather of harassment of help workers by local Rakhine Buddhists (A/HRC/22/58 p.12 §51). By 2014, there has neither been any reprimands, nor any credible investigation into the violence (A/HRC/25/64 p.12 §46).

This is the first major outbreak of violence against the Rohingya that has occurred during our research. Different actors are perpetrating the violence: the Nasaka and local

Rakhine Buddhists. The outbreak of these events also marked a turning point in communal relations in Rakhine. Whilst violations have been committed by the military before, and still primarily is, the violence is now also committed by nationalist citizens.

*From 2013 to 2017, the situation “continues to worsen from an already dire state” (A/HRC/25/64 p.11 §42). The government enforces separation of the Muslim and Buddhist communities after the 2012-violence, allegedly for the Rohingya’s safety, which has a disproportionate impact them (A/HRC/25/64 p.11 §§43,44). In January 2014, the military conducts security operations in a Rohingya township, where NGOs and journalists are denied access. There are allegations of killings, sexual violence and destruction of properties perpetrated by both the military and Rakhine mobs during these operations (A/HRC/25/64 p.12 §47). The SR argues that the “relationship between the proscription of hate speech and the flourishing of freedom of expression should be seen as complementary” (A/HRC/25/64 p.7 §21). Discrimination is described as well-organized, coordinated and happening with impunity (Ibid.). The SR also argues that many of the post 2012-practices perpetrated by authorities against the Rohingya could constitute as crimes against humanity (A/HRC/25/64 pp.13-14 §51). The government’s Rakhine Action Plan, which intends to classify the Rohingya as “illegal aliens” as well as remove them from the territory (A/HRC/28/72 p.13 §39) demonstrate an exclusionary mindset. The SR describes how government representatives “insisted” that the Rohingyas are to be called “Bengali” in the 2015 report (A/HRC/28/72 p.14 §46).*

The temporary registration cards expire by the end of March 2015, and the trust for the new cards is low (A/HRC/31/71 p.8 §35). In May 2015, Muslims are disqualified for standing for elections and the Parliament does not have any Muslim members (A/HRC/32/18 p.3 §7). There is a rise in ultra-nationalist organizations, calling for “*protecting race and religion*” and targeting Muslim communities with attacks and threats (A/HRC/31/71 p. 8 §31). Similarly, “race and religion”-laws are adopted in 2015, something interpreted as particularly discriminatory against minorities and women (A/HRC/31/71 p.8 §33; A/HRC/32/18 p.6 §20). However, already in the 1990s, ultra-nationalist Buddhist organizations have “*actively promoted messages of hatred and intolerance against Muslims and other religious minorities*” (A/HRC/32/18 p.7 §22).

The 2016 OHCHR-report refers to Special Advisor on Prevention of Genocide's warning about the failure to address violence between Muslims and Buddhists in Rakhine (A/HRC/32/18 p.15 §65). In 2016, around 140,000 people, predominantly Muslim, are still IDPs after the 2012-violence (A/HRC/31/71 p.9 §37). In October the same year, an attack is committed by the Arakan Rohingya Salvation Army (ARSA) on the Myanmar Border Guard Police in Rohingya township. This is followed by counter-operations by the military (A/HRC/34/67 p.12 §65; A/HRC/39/64 p.9 §43). The operations entail partial curfews; humanitarian operations in the affected areas are stopped (A/HRC/34/67 p.13 §68); and independent media is prohibited from entering northern Rakhine (A/HRC/34/67 p.13 §71). There exists severe allegations of executions, arbitrary arrests and destruction of Rohingya homes and mosques in these areas (A/HRC/34/67 pp.13-14 §72). The operations of October 2016 and onwards "*may amount to crimes against humanity*" (A/HRC/34/67 p.17 §88(a)).

This sub-period encompasses an unparalleled escalation of violence with several indications of crimes against humanity and warnings of genocide. The violence has been exacerbated in not only the number of reported crimes, but also in the crime's seriousness. Anti-Rohingya rhetoric is mirrored in the parliament with discriminatory laws. The rise in hate speech against the Rohingya is seen by the SR as correlating with the rise in free speech. The violence has been mobilized amongst the Rakhine Buddhists. Muslims in general are discriminated against but the Rohingya are especially targeted.

*In 2017 and 2018*, the violence reaches unprecedented levels defined as genocide (A/HRC/39/64 p.16 §87). The report by the Independent International Fact-Finding Mission (IIFFM), finds that there is sufficient information to determine that the Tatmadaw is liable for genocide against the Rohingya and crimes against humanity including apartheid (A/HRC/39/64 p.16 §§87,88).

On August the 25th 2017, ARSA attacks an army base and 30 border guard police posts in townships in northern Rakhine. The military responds by conducting "clearance operation" in the affected townships (A/HRC/37/70 p.9-10 §42). This resulted in massive killings, widespread sexual violence, violence against children as well as expulsion of the Rohingya and eradication of their villages (A/HRC/39/64 pp.9,11 §§37-39,41,42,47,50; A/HRC/37/70 p.10 §45). The IIFFM argues that these clearance operations have genocidal intent (A/HRC/39/64 p.16 §85). International organizations and UN agencies are restricted

from giving aid in Rakhine up to and after the clearance operations (A/HRC/37/70, pp.11-12, §50). Although Rakhine locals participated in the clearance operation, these were led by the Tatmadaw (A/HRC/39/64, p.11, §53). The IFFM sees the attacks and the clearance operations as “*foreseeable and planned*”, with a major increase in military presence in the time leading up to the events (A/HRC/39/64, pp.9,10 §§43,48). The IFFM defines the violence as a non-international armed conflict at least since August the 25th 2017 (A/HRC/39/64 p.4 §10). After the genocide, the Tatmadaw’s role is strengthened - it gains popularity among the country’s Buddhist majority as a “*protector of a nation under threat*” (A/HRC/39/64 p.5 §14). The civilian government destroys evidence after the violence, spreads false narratives and nothing indicates they use their limited power to restrict the military. Similarly, Head of Government, Aung San Suu Kyi, is silent about the events (A/HRC/39/64 p.17-18 §93).

The ethnic violence against the Rohingya now amounts to genocide, and there are crimes against humanity, including apartheid. The violence against the Rohingya is primarily carried out by the military, but also by radicalized Rakhines. This is supplemented by governmental programs to replace Rohingya villages with Buddhist, which we believe illustrates a clear intention to erase the Rohingya from Myanmar both physically and psychologically.

How has ethnic violence against the Rohingya developed?

We argue that there has been an increase in ethnic violence against Rohingya. The violence advances from systematic and discriminatory practices to physical violence and finally to genocide, although the first elements are present at all times and increasing throughout the two periods, mounting in apartheid. However, the minority has been vulnerable during the whole timespan, exacerbated by their statelessness.

The first period of research goes from lacking any mentioning of the Rohingya to urgently describing their deteriorating rights and conditions. In the second period, the discrimination increases and the violence against the Rohingya both escalates and becomes more severe. This happens over a period of time, but the violence of 2012 is a turning point leading up to the 2017 genocide against the Rohingya. There is also a shift in actors responsible for this as the Buddhist Rakhine community takes on a larger role in the violence

up till, under and after the events of 2012 and 2017. However, the violence was at all times predominantly perpetrated by military authorities, where there has already in the years before been made plans to remove them from the area. The authorities furtherly exploits communal violence to justify segregation and hereby further oppression of the Rohingya. Hereby, we see a correlation between the democratization of Myanmar and the increased violence against the Rohingya.



### c) Explanatory models

#### i) Has there been a rise in exclusionary nationalism against the Rohingya?

The suppression of Rohingya is severe under the first period of research and exclusionary nationalism is present, as ultra-nationalist Buddhist groups have been active since the 1990s. Similarly, Rohingya have been stateless since before our research. Additionally, there are instances of violence against Muslims already in 2003, but at this time it is too early to conclude on the violence's political character. During the first period of research, exclusionary nationalism as defined by Snyder is not outspoken. Oppositely, exclusionary nationalism is evident in the second period. The 2012-violence is a turning point in the relation between the Rohingya and the Rakhine. It is a result of campaigning by Buddhist-nationalist actors, where the Rohingya are described as illegal immigrants and terrorists with uncontrollable birth rates. These three perceptions of the Rohingya demonstrate exclusionary nationalism: They are seen as illegitimate in Myanmar by being "illegal immigrants"; they are a threat to the nation as "terrorists"; they are going to shift the current demographics with their "uncontrollable birth rates". The campaign escalates during and after the violence, where the RNDP's Hitler-quote indicate an escalation of the rhetoric from discriminatory to genocidal already in 2012. The connection between democratization and exclusionary nationalism is affirmed in the SR's statement that the "*relationship between the proscription of hate speech and the flourishing of freedom of expression should be seen as complementary*" (A/HRC/25/64 p.7 §21). The nationalist exclusionary rethorics is also evident in the government's refusal to call the minority "Rohingya" and instead insisting to call them "Bengali". This is a diminishment of the Rohingya's historical presence in the country and legitimizes policies of exclusion. Hence, the rhetoric of exclusionary nationalism against the Rohingya has been on the rise, not only *since* the initial phases of democratization, but also, partially *because* of the democratization.

The exclusionary nationalism is also present at a policy-level, with the Rakhine Action Plan's intention to classify the Rohingya as "illegal aliens" and remove the them from the territory, as well as the enforced separation between Muslim and Buddhist communities. We see a connection between parliamentary legislation and ultra-nationalist groups with the overlap of "protecting the race and religion"-rhetoric and the government's package of "race

and religion”-laws. The exclusion of the Rohingya population and consolidation of their statelessness is also depicted in their political exclusion. We argue that the genocide is exclusionary nationalism at its most extreme. The attacks by ARSA are a consequence of the severe oppression and violence against the Rohingya population. According to Snyder, if a group has been suppressed, it might lead to an intra-state conflict (Snyder, 2000:68). The operations carried out by the military in this conflict has a clear genocidal intent, and can be seen as both the ultimate expression and result of exclusionary nationalism.

ii) If so, which actors have exposed the Rohingya to the exclusionary nationalism and what kind of exclusionary nationalism?

The kind of nationalism present in a situation depends on whether the elites’ interests are adaptable or not, and the strength of political and administrative institutions (Snyder, 2000:74). We interpret Myanmar’s administrative institutions as strong since the country has not experienced any major conflict, and has been under a consolidated authoritarian rule. This holds although the institutions to build a democracy upon are weak, as there is no independent judiciary. There are two elites affecting the Rohingya: the military and the NLD.

#### The military

The military is here defined as Tatmadaw, Nasaka, the military regime and the government until 2015. The military is by far the actor who exposes the Rohingya population to the most violence. This is augmented by the fact that the military under both periods of research are suppressing the Rohingya population, and have done so throughout the authoritarian rule. This suppression turns into direct and orchestrated violence in the second period of research.

*Adaptability of the military:* The military elite officially ran the country from 1962-2015 and is unadaptable to change, even though the military itself initiated the seven-point road-map for a democratic transition in 2003. This road-map can nevertheless be seen as an instrument for the military to hold onto power, as they include neither other political parties nor ethnic nationalities in this process. Additionally, the military’s creation of USDA is interpreted as a way to maintain its power during democratization. Hereby, the military is adaptable to change, but on its own premises. This is confirmed by the crackdown on protesters in 2007, where the military is unadaptable to the democratic change that the

protesters demands. It is also apparent in the military's mandated seats in parliament and the extensive control over its own affairs. We argue that the military is adaptable to a formal change, but unadaptable to fundamental change. This, combined with Myanmar's strong institutions, would result in a *counterrevolutionary nationalism* by the military. The Rohingya are excluded by the Tatmadaw's "enemies of the state"-narrative and we see the violence against the minority as an opportunistic way of maintaining power, something they succeed in as their support increases among Myanmar's Buddhist majority. The military elite uses mass mobilization against the Rohingya. The counterrevolutionary nationalism also incapacitates the democratization as a whole and hollows out critical voices. Whilst it is mostly nationalist organizations and parties that directed hate speech against Rohingya and Muslims in general, the military is the main perpetrator and orchestrated Rakhine participation in the 2017 genocide.

The theoretical outline of Snyder's theory can be discussed however. The military plays on an already existing exclusionary nationalism, where the Rohingya have been discriminated against for decades before the democratization. Nonetheless, the increase of nationalism is in line with Snyder's theories, as he argues that mass mobilization of nationalism is exacerbated by democratization. Thus, it is vital to keep in mind that the democratization did not *initiate* the perpetration of the Rohingya population, but rather *escalated* it.

#### The NLD

The NLD is a new elite and a major actor in the democratization. It is therefore highly adaptable to change. This, together with the country's strong institutions, would entail the NLD to call for an inclusive and civic nationalism. However, as the power of the NLD increases, the Rohingya are increasingly exposed to the counterrevolutionary nationalism described above. We argue that the NLD starts out with civic nationalism but subsequently diverges from this. This is seen by the fact that the military-led government of 2011, now influenced by the new elites, initiates registration of Rohingya children, and is positive towards letting those holding temporary identity certificates apply for naturalized citizenship. However, these changes can also be seen as a way to please the international community. Nonetheless, when the NLD gains power, little of this development remains and the civil government does not take any step towards civic nationalism. Rather, the NLD incorporates

exclusionary nationalism in their policy in order to gain or maintain popular support. The civil government fosters a climate of hate speech, increasingly strips the Rohingya of their few remaining rights, excludes the international community from areas of genocide and denies its occurrence. Furthermore, Aung San Suu Kyi, the Head of Government, does nothing in order to prevent the violence. Hereby, the support for violence against the Rohingya is so entrenched that the NLD either was not able to shy away from this or actively profited on the exclusionary nationalism. We argue, that the NLD was highly adaptable to change, but the counterrevolutionary nationalism had gained so much support that the NLD has incorporated this in order to access and maintain power.

## Conclusion

*Has the democratization of Myanmar influenced ethnic violence against the Rohingya population?*

In this paper, we can conclude that the democratization of Myanmar has increased ethnic violence against the Rohingya population. In the first period of research, there was both a lack of democratization (initiated by the end of the period) and major ethnic violence against the Rohingya population. In the second period of research, where the democratic transition had been cemented, state suppression against the Rohingya developed into ethnic violence and ultimately genocide perpetrated mainly by military authorities. Hence, when comparing these two periods, there is a correlation between democratization and increase in ethnic violence.

When applying Snyder's theories to our data, this correlation becomes a causation. In Myanmar, we both see a power play between elites, as well as the usage of exclusionary nationalism which they adopt in order to maintain their interests. The exclusionary nationalism is mostly in the interests of the old military elite as counterrevolutionary nationalism. The democratization has entailed a widening of freedom of speech which unchecked, exacerbated hate speech and dehumanizing rhetoric against the Rohingya which nationalist leaders exploited. Rohingya are depicted as an enemy of the state, thus portraying the leaders as saviours of the state and boosting their popularity. Counterrevolutionary nationalism has been a part of the military's maintenance of power and the paralyzation of democratization, although later appropriated by the NLD. As the Rohingya have been suppressed and stateless throughout our research and therefore, the ethnic violence against the Rohingya was *increased*, rather than *created*, by democratization.

While we see a causation between our two variables when applying Snyder's theory, this could also be a correlation seen from another perspective. Since our researched areas are still developing, the picture of the Rohingya and Myanmar can change as time passes.

For future research, it would be enlightening to understand the persecution of the Rohingya from other theoretical perspectives. This is due to certain shortcomings in Snyder's theories. The suppression and ethnic violence of the Rohingya was not initiated by

democratization, but also present before, institutionalized in their statelessness. Hereby, Snyder's theory can be seen as lacking historical perspectives of discrimination. Additionally, statelessness in relation to democratization is undertheorized. Snyder's approaches towards civic nationalism is based upon citizenship, where the Rohingya are not included due to their statelessness. Hereby, even if civic nationalism was present in Myanmar, the Rohingya would still be excluded. Therefore, for future research, it would be interesting to understand Snyder's theories from the perspective of statelessness, e.g. by applying Snyder's theories to Hannah Arendt's perspectives of statelessness (Arendt, 1951). Additionally, it would be enlightening to understand ethnic violence other against minorities in Myanmar. This could both give a broader picture of exclusionary nationalism, and a better understanding of the Rohingya's statelessness' in comparison to the suppression of other ethnic minority groups in Myanmar.

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