‘Imagining’ the Rohingya:
Navigating Identity, Memory, and Visibility

Examining different methods of documenting Rohingya identities, experiences, and lives.

by

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COMPULSORY DECLARATION

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

Signature: Signed by candidate **Date:** **10-02-2023**

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Lastly and most importantly, this thesis is dedicated to the Rohingya community, whose resilience remains permanent despite their realities being so hostile. This is dedicated to the realities of refugees, victims/survivors, and people in exile from persecution globally due to their identities. The persistent dehumanisation, de-legitimacy and acute marginalisation they face should not be normalised, yet their lives are lost in translation and oppression.

'The identity of an individual is essentially a function of her choices rather than the discovery of an immutable attribute.'- Amartya Sen

Abstract

On the 25th of August 2017, the Myanmar military, *Tatmadaw,* launched a systematic orchestration of what the UN described as a 'textbook example of ethnic cleansing' of the stateless minority group, the Rohingya residing in the Northern Rakhine region of Myanmar. Since August 2017, more than 700 000 Rohingya fled from Myanmar to Bangladesh. Apart from the gross human rights violations they have suffered from decades long persecution, there is a persistent concern over their loss of identity, culture and personhood. This thesis serves as an explanatory investigation of the complex narratives, memories and experiences of Rohingya lives. It emphasises the importance of socio-cultural interventions conducted through multidisciplinary initiatives aimed at mobilising memory work, that are intended to act as a tool for the Rohingya as a means to navigate their identity and memory politics, agency and advocacy. The need for recognition, dignity, and forms of healing through trauma has been instrumental in resisting the cultural destruction they have endured. This thesis focuses on the accessible modes of acknowledgement that enhances the Rohingya community's visibility by sharing their stories, memories and experiences through memory initiatives considering the prevailing context of exile and uncertainty of return or redress. Memorialisation as a socio-cultural and cathartic process has been an important tool of healing, awareness, and dialogue for the Rohingya survivors. By focusing on memory initiatives that have grown from Cox's Bazar with active participation from the Rohingya community themselves, this thesis explores the necessary intervention of deconstructing marginalisation as the dominant positionality of the Rohingya identity.

Key words: Myanmar, Rohingya, Memorialisation, Identity, Agency, Advocacy

List of Acronyms

AJAR	Asia Justice and Rights Group
ARSA	Arakan Rohingya Salvation Army
ASEAN	Association of Southeast Asian Nations
BIA	Burmese Independence Army
GIJTR	Global Initiative of Justice, Truth and Reconciliation
ICJ	International Court of Justice
ICC	International Criminal Court
ICSC	International Coalition of Sites of Conscience
IOM	International Organization for Migration
JRR	Justice Rapid Response
LAW	Legal Action Worldwide
LWM	Liberation War Museum
OAU	Organization of African Unity
PTJ	Paths to Justice
RRRC	Refugee Relief and Repatriation Commissioner
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGC	United Nations Genocide Convention
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations International Children's Emergency Fund
WFP	World Food Program

Figure 1: Map of Myanmar (Nations Online Project)

Chapter 1: Introduction

1.1 Introduction and Background of Study

In the Buddhist majority country of Myanmar[1] , located in South-East Asia, the Muslim ethnic minority group[2], the Rohingya, have been historically marginalised and systemically dehumanised for decades. The Rohingya have faced intergenerational persecution and as an ethnic group, they have been described as the 'world's most persecuted minority'[3] (Gorlick, 2019: 12). The Rohingya have faced severe ostracisation and violence, ultimately losing their right to citizenship in Myanmar's controversial 1982 citizenship law amendment (Human Rights Watch [HRW], 2020). In 2017 the Office of the United Nations High Commissioner for Human Rights (OHCHR, 2017) called the severe violence targeted towards the Rohingya a "textbook example of ethnic cleansing" which "has been endemic for decades". Hundreds of thousands of Rohingya have been forced into exile and even in exile they continue to face denial and persistent discrimination and persecution (Rahman, 2018). Some of the crimes committed include but are not limited to inhuman treatment, rape, gross torture, burning villages, property destruction, land grabbing and confiscation. Sexual violence has been widespread as the OHCHR (2017) noted that more than half the women interviewed were victims of sexual violence. In Rakhine, Rohingya, who align to be an agrarian and fishing society were restricted to fishing in nearby lakes and ponds (Roy Chowdhury, 2020: 601).

The Rohingya do not have access to essential amenities such as education, healthcare, reproductive care, economic rights, sanitation, food security, critical information neither hold legal civil rights in Myanmar (Bakali & Wasty, 2020). On the 25th of August 2017, more than 730,000 Rohingya fled to Bangladesh from military violence (UNHCR, 2017). The World Food Programme (WFP) 2020) estimated that the Kutupalong camp[4] was the world's largest refugee camp, carrying over one million Rohingya people. In a preliminary order the International Court of Justice (ICJ) in

[1] Formerly known as Burma.

[2] According to the OHCHR, 'An ethnic, religious or linguistic minority is any group of persons which constitutes less than half of the population in the entire territory of a State whose members share common characteristics of culture, religion or language, or a combination of any of these. A person can freely belong to an ethnic, religious or linguistic minority without any requirement of citizenship, residence, official recognition or any other status.'

[3] The UN Special Advisors on Prevention of Genocide and Responsibility to Protect issued strong statements which *inter alia* refer to 'atrocity crimes' in 2017 (i.e., genocide, crimes against humanity and war crimes) taking place against the Rohingya in Myanmar.

[4] Located in Ukhia, Cox's Bazar.

2020 unanimously called on Myanmar to take all the necessary measures to prevent the 'genocide' of the Rohingya. Regional organisations such as the Association of Southeast Asian Nations (ASEAN) have engaged in conversations on the possibilities of repatriation and security however the guiding principles of state sovereignty and non-interference hinder the implementation from a geo-political standpoint.

In Myanmar, they face marginalisation due to their ethnic identity, and Islamic faith is an added factor to their discrimination and persecution (OHCHR, 2017).[5] There has been no official census done of the Rohingya. However, there was an estimated 1.2 to 1.4 million population in Rakhine state with a steady increase over the years (Roy Chowdhury, 2019). There are an estimated 1.1 million Rohingya living in Bangladesh, 200 000 in Saudi Arabia, 350 000 in Pakistan, 150 000 in Malaysia, 40 000 in India, 10 000 in the United Arab Emirates (UAE), 1000 in Indonesia and 5 000 in Thailand (Washaly, 2019). They remain at risk of trafficking at sea and vulnerable to abuse in transit while fleeing through maritime routes including the Bay of Bengal. Those who remained in Myanmar find themselves segregated in detention, ghettos and prison encampments mostly in Rakhine state. The protracted crisis has had severe long-term impacts on the quality of lives and fundamentally affected their right to self-determination.

The research question that guided the study was; what is the significance of Rohingya sharing their experiences, stories and memories, since they have been subjected to socio-political and legal 'invisibility' as a result of enduring cultural destruction and genocidal violence? The researcher's objectives were to focus on how memory politics and dynamics of the Rohingya community are central to defragmenting the history and dynamics of their persecution whilst mobilising such methodologies in spaces of exile are crucial in communicating through their trauma. The importance in highlighting the nuances of their identity politics informed the key strategy of investigating the trend of persistent 'othering' and how this community has been able to formulate a resistance to this marginalisation by 'imagining' their identities themselves.[6] The value of such

[5] "The information gathered by OHCHR indicates that the victims of killings, rape and sexual violence, arbitrary detention, torture, beatings and other violations outlined in this report, were targeted based on their belonging to a particular ethnicity and religion" (OHCHR, 2017).

[6] By mapping out the different ways in which they have and continue to navigate the aftermath of their persecution, their reconstruction of the distinct ontological identity.

forms of expression, documentation and preservation comes with important contextual significance as the participants' experiences of genocide and dehumanisation allow themes of fear, loss, home, belonging and history to the forefront (Farzana, 2015).

Migration, displacement and (im)mobility resulting from conflict manifest in the difficulties of expression and experiences These memories can be interpreted into more complex demonstrations of trauma and their retelling will highlight awareness. Commemorating identity-based memory work that serve as reparative efforts that have become prominent within the realm of justice opportunities. This thesis also addresses the groundwork of community-led initiatives meeting the gaps of therapeutic mediums of expression, storytelling and visibility. There is potential of innovative projects which are creative, educational and participatory in contexts of large-scale displacement. The Rohingya continue to live as 'illegal migrants' and refugees in host countries, including Bangladesh, within and outside spaces of exile.

Social death in the context of genocidal violence can be associated with erosion and annihilation of social vitality, visibility, and mobility (Card, 2010). In the *Axis Rule in Occupied Europe,* Lemkin (1944) gave a comprehensive account, delineating social, moral, religious, cultural, economic, biological and physical methods of destruction as part of genocide. According to Lemkin's (1944) understanding, cultural destruction is one of the key elements of genocide, precursing to physical and biological destruction (Moses, 2010). O'Brien & Hoffstaedter (2020) argue that cultural destruction can also continue after or even parallel to biological and physical crimes. The loss of culture experienced by marginalised communities inherently contributes to the erasure of their collective identity. Additionally, over half of the displaced population (73%) face illiteracy (Frieder, 2020: 15). The lack of access to education has systematically hindered them to learn and write in the Rohingya language.

Through socio-cultural interventions, their memories and experiences are denoted and make way for deeper exploration into issues on identity, exclusionary nationalist politics, and marginalised bodies. Focusing on the role of memory politics is crucial to unravelling how identities can be constructed and reconstructed as well represented by those who choose to relive their experiences for the wider public. In the case of the Rohingya community, their history in Myanmar has presented several depictions of their 'otherness'. What is clear is that their generational experience

of marginalisation forms a strong backdrop to how their collective identity has been perceived and treated. The Rohingya have displayed resilience and ought not to be considered passive, in the face of perverse discrimination and violence.

Despite not being legally recognised, consolidating a narrative to defy Myanmar's 'unimagining' of their identity justifies why demonstrating on memory work is important. This is also linked to the topic of identity politics - something that will be unpacked through the cultural interventions explored. By looking into how the Rohingya have socially reconstructed their lived experiences through demonstrative mediums, we are also led to understanding how their perception over their identity has come about. This will also lead us into their 'imagined community' and how they have mapped out their experiences into (re)-imagining[7] their identities and experiences of persecution and marginalisation in Myanmar. By evaluating existing literature and identifying different scholarship on Rohingya identity, we investigate the mapping of the 'Rohingya' identity, discuss the contestations of nativity, their genealogical traces, and what Myanmar's ethnonationalism meant for the nation in its post-colonial transition.

1.2 Rationale

Social and cultural rights amongst other aspects of justice are important to contribute to the conception and delivery of justice as they encompass symbolic interpretation. Memory is a unique element of human history which serves as a window to the past. Marginalisation is too often a reality for groups of people that are systematically 'othered' but they matter, their stories, their memories have to find a space to illustrate. Employing an interdisciplinary gaze where the exiled Rohingya can share their traumatic experiences and construct autonomous narratives of survival, preservation and belonging, memory work becomes a key architect in fulfilling that. Systemic othering produces and reproduces silences that have profound intergenerational effect whilst burdening trauma builds up. Displacement holds a creeping magnitude on people's lives by placing severe restrictions on access to critical services such as health, sanitation, education and movement. Apart from the need for accountability and legal justice, the reparative nature of symbolic commemorative memory work revolves around cultural and collective identity. In such

[7] Re-imagining in the context of this thesis is associated with the concept of 'Imagined Communities' which was conceived by Benedict Anderson (1983) to denote how collective identity and belonging can be realised and sustained through mechanising memory.

critical environments of emergencies, this thesis sheds light on the complexities of representation and symbolic pathways to visibility that the Rohingya have applied in exile.

More so, in the case of the Rohingya, their experiences of segregation and gross violations are crucial to take into consideration whereas public discourse is to be considered. Transitional Justice (TJ) ought to be deliberative and context specific. It should also be designed to be disruptive to the presiding marginalisation and emerge as opportunities of exposure and advocacy. Ansar and Khaled (2022) posited that spaces of exile become realms of engagement and activism that is rooted in reclamation of identity. Importantly, the prevalent discourse around displacement and spatial confinement alludes to vulnerability, exploitation, and violence. However, these spaces can also become significant opportunities of advocacy, leadership, and agency. The explanatory and investigative focus adopted for this study debunks the multiple cultural interventions the Rohingya community in exile have partaken in to negotiate their identities, memories and spatial conditions. The interdisciplinary gaze at memory politics reveals the underlying interlinks of identity, exile, persecution and lived experiences of conflict and displacement. This study addresses the various methodologies in which one of the most oppressed, stateless minorities have sought to represent themselves as part of their efforts to disseminate documented practices on their experiences (Farzana, 2017). Additionally, (Farzana, 2017) states that in refugee emergencies of such scale, there are challenges in effective, sustainable coordination and facilitation in trauma relief and communication and learning gaps.

1.3 Research Design and Layout

1.3.1 Methodology

Qualitative research has integral elements of subjectivity, interpretation, representation, and analysis. Although this thesis evokes several key discourses such as memory, refugee studies, and history, it is styled to be in the form of discourse interpretation and analysis. The literature reviewed for the study posits the instrumentality of memory work as a modality of expression. Some of the central observations informing the analysis were derived from secondary ethnographic research.

This study employs qualitative sources of study including books, journal articles, newspaper articles, video documentaries, literary interpretations such as poetry, written and oral testimonies.

Regarding the Rohingya voices that are central in this thesis, they have been sourced from the selective projects' digital websites where their creations, artistic work and diverse expressive forms of dialogue have been documented. The testimonies which were archived and digitised permanently for access and public knowledge have been used to reiterate the retellings of the human rights abuses faced by the Rohingya. The creative images, photographs and graphics have also been a guiding source in presenting evidence of Rohingya stories that they have put together and which have been curated. Revisiting survivor testimonies, statements, stories, and their creative images, was a central part of evidence this study rested upon in arguing for the efficacy of the memory initiatives' versatility towards transformative redress for the Rohingya in Cox's Bazar. Interpreting and applying analytic interpretation also evolved as a discourse to investigate the significance of memory work as part of the delivery of justice.[8] The literature reviewed and qualitative analysis also conform to multiple lenses, not just limited to TJ albeit the conception of memorialisation being an important part of approaching redressing strategies.

Although located as a western liberal media outlet, *The Guardian* does serve as an important resource as they have been involved in documenting the experiences of the Rohingya. Although initiatives such as Rohingya Cultural Memory Centre are conceived to be multidisciplinary and interactive consisting of different methods of memorialisation and documentation of Rohingya memories through virtual exhibitions of artefacts, photographs, handicrafts, etc., the purpose is to explore multiple avenues that have been employed by the Rohingya survivors to prove their comprehensive pursuit of identity preservation, with each methodology representing a distinct manner of recollection and representation. It must also be noted that the mentioned initiatives have collaborative and interconnected networks that work towards similar ambitions related to amplifying Rohingya stories for society at large.

Seminal decolonial scholar Linda Tuhiwai Smith (1999) speaks on the colonial tendencies to build upon disenfranchising subjectivity as objects of research and knowledge extraction to control spaces of pedagogy and produce perceptions under the gaze of imperialism. This procures the intention of imperial narratives to revise the histories, cultures, and lives of those being studied,

[8] This thesis does not wish to examine the politics of memorialization but to present an argument that illustrates the utility of inventive methodologies that utilise memory as part of illustrative storytelling that is victim-centred and participative.

significantly disempowering them in the reconstructions of their identities (Smith, 1999). Decoloniality in this sense provides closure and remand on imperial hierarchies of governance on polities that had previously been under colonisation. It secures the presentation of a certain narrative that was previously centred around disempowerment and transforming its contextual capacity to demonstrate lived experiences. It uses itself to recover stories, epistemologies, and knowledge to reprioritise approaches of the past and manners to navigate the present and future (Smith, 1999: 39). Since the researcher did not collate primary data, analysis for the study relied mainly on their interpretation of scholarship that has assigned importance to voices and the perspectives of the Rohingya community and their experiences within their spaces of settlement and forced exile. The different sources examined refer to different techniques of memory making and keeping, documenting emotions, testimonials, and storytelling, which the Rohingya have used to revitalise their existence, experiences and identities.

Amongst other scholarship, this thesis deliberately references multiple South Asian and South-East Asian scholars who contextualise the roots of identity and nation-formation in the region as well as signifying the legacy of post-colonial governance that polices identities and spatial realities. Additionally, the interdisciplinary gaze at memory politics unearths intersecting conversations around identity, violence, gendered experiences, memories, and post-displacement realities in exiled spaces. This was done through secondary literature review. However, some of the core scholarship in the latter chapters featured extensive fieldwork (secondary) that was applicable to the study as it refers to certain notions associated with the Rohingya community and diaspora. Quotes from interviews, anecdotal evidence from digital archives and virtual resources were included in the analysis, for interpretation purposes.

1.4 Limitations and Ethical Considerations

On the 1st of February in 2021 Myanmar saw a violent uprising in the form of a military crackdown which plunged the nation into a coup. The forced military takeover again categorised Myanmar as a stratocracy. On the morning of the 1st of February, the national military known as the Tatmadaw had detained National League for Democracy (NLD) parliamentarians and democratically elected leaders including President Win Myint and State Counsellor Aung San Suu Kyi amongst other cabinet ministers, politicians, regional representatives, and activists (HRW, 2021). The army

seized control of the country's services and infrastructure, including imposing a blanket wide censorship on television and media broadcasting. Along with an almost media blackout, internet facilities were also suspended in major cities around Myanmar including the capital Yangon (Goldman, 2021). The political conditions remain censored however there have been increasing civilian resilience and uprisings since 2021 in response to the coup from 2021.

This thesis, albeit being an explorative study of Rohingya memories, stories, hopes and truths, did not employ primary data collection. There is inherent regulation and control of access to the Cox's Bazar refugee settlements and to the Rohingya community. This thesis was also done primarily during an ongoing COVID-19 pandemic which further limited access to interviews with Rohingya survivors living in crowded camps[9]. As Myanmar entered into a coup on the 1st of February in 2021, the state surveillance and censorship to independent media and external investigative sources, even those native to Myanmar, significantly rose and became violent (Ratcliffe, 2022). The uncertainty of security in Myanmar and Bangladesh was also a deterrent, accompanied by the cost of travel and research expenditure. That being said, the complex reality of academia essentialises the over-dependence of research based on lived experiences as 'subjects' to depict and observe for empirical results. Arguably, the excessive element of victimhood in such narratives can also problematise the need for survivors to realise self-actualisation in the whole process of redress.[10]

The possibility of accruing on the ground evidence through interviews, oral statements or even investigating public and private records, was simply not realisable because of the policing, censorship and accessibility of travel and accommodation. However, the resources that have been used in this thesis have been professionally documented and preserved for the purpose of further investigation in the wider realm of action. The study relied on the selected initiatives' research material and mandates which are accredited and officiated, consented by the survivors themselves. The memory projects' galleries, exhibitions and documentation are also available on the digital

[9] The term 'camp' usually refers to a space that is an environment under control, in terms of settlement for displaced persons or persons escaping insurgency, however these spaces can also be an inference to 'a socio-spatial phenomenon' (Al-Nassir, 2016). In terms of this thesis, camps, campsites, settlements will refer to the spaces now inhabited by the displaced Rohingya community who have fled Myanmar and remain in these circumstances.

[10] Gayatri Chakravorty Spivak's '*Can the subaltern speak'* examines the dehumanisation of the constructed and designated 'other' that has predominantly been the narrative in normalised western pedagogy and representation. Hence, peripheral identities are consistently associated with alienation.

websites that the researcher found very useful in illustrating the argument towards a multidisciplinary and localised medium of redress.[11]

In terms of my own intersectionality and leaning towards decolonial and deconstructive pedagogy, I am aware of the privilege I hold as a researcher and as someone who is non-Rohingya. Cautious and cognisant, I am aware that it is often problematic to reflect and debunk lived realities of people in social research. However, it is my conviction that the cause and struggle of the Rohingya is pertinent and deserving of attention. As Bhowmik (2019) notes, complications surface when methodological research that involves reflecting on migration, persecution and experiences entails sensitive information. Through academic display of people's stories and living conditions, there remains a danger of exoticising and reproducing their victimhood. Through the employment of several stories that have been derived from secondary sources, this study is representative of the experiences of the Rohingya.

1.5 Perspectives of 'Genocide'

The discussion around the conditions of Genocide have developed over time but what remains a concern is whether the destruction of culture can be considered a crucial part of the process of genocide (Bilsky & Klagsbrun, 2018). The 1948 Genocide Convention under the Rome Statute of the International Criminal Court, define genocide as "the destruction, in whole or in part, of national, ethnical, racial, or religious group" (Rome Statute, 1998).[12] Thus the rationale behind a genocide is understood as a reason to eliminate a particular group of people based on their nationality, religion, race, or ethnicity (Schabas, 2009). However, Powell (2007) sums up genocide to be more than just of people belonging to a certain group but alludes to destruction or killing of "that something more". Therefore, the understanding of genocide ought not to be limited within the parameters of physical death but should be inclusive of social death which entails the loss of many integral aspects such as identity, culture, community, and social relations (Card, 2010).

[11] The use of the word 'survivors' in this thesis; it is a contextual reference to the Rohingya who have been consistently termed as 'victims' to portray their plight as displaced and disempowered due to their persecution. Usage of 'survivors' for this thesis' argument is an ode to their dignity and humanity. Hence both the terms of 'survivors' and 'victims' will be used interchangeably accordingly and contextually.

[12] Convention on the Prevention and Punishment of the Crime of Genocide, opened for signature December 9, 1948.

There is also an evolving framework of what culture is inclusive of-language, education, religion and the freedom to practice it constitute significantly to how a social group substantially functions and therefore is part of targeted elements of destroying a group through genocide.

Additionally, survivors and descendants of survivors of genocides experience a gradual alienation, being unable to pass on or build on traditions and cultures to future generations, including developing languages (Lederman, 2017). Notably, Feierstein (2014) has associated genocide with "specific technology of power for destroying and reorganising social relations…". Importantly, Feierstein (2014) also notes that the process of genocide is incomplete without engineering 'Otherness', based on models of identity. What remains at the crux of the definition of genocide under the Genocide Convention and the Rome Statute is the "intent to destroy" a group in whole or in part (O'Brien & Hoffstaedter, 2020: 4). Essentially, genocidal violence at its core targets the social bonds a community holds together (Vernon, 2021: 2-3). Furthermore, Roy Chowdhury (2020: 402) states that the Tatmadaw has used numerous mechanisms of violence in an effort to exterminate the Rohingya, including by controlling their population. The Tatmadaw would limit the number of Rohingya children born and force sterilisation on Rohingya men (HRW, 1996).

Rather than isolating a separate concept of cultural genocide, which is also an essential issue on its own, the destruction of a group essentially also encompasses the destruction of their identity and not just centering on their physical elimination (O'Brien & Hoffstaedter, 2020: 4-5). Destroying culture is an inherent element in destroying a group of people, beyond situating violence on biological or physical grounds, is inherently destroying the group as a social structure. Furthermore, genocide not only sets the intentions to strip off individuals of the ability to partake in social relationships and networks but aims to also destroy the possibility of building relationships, activities, and traditions in the future (Card, 2010). The crimes against the Rohingya have been both physical and social (O'Brien & Hoffstaedter, 2020: 4-5). In order to orchestrate the othering through genocidal violence, the Rohingya were portrayed to be the perpetual "outsiders" and "deviants", due to their perceived inferiority on the grounds of biological essentialism and bodily difference (Vernon, 2021: 14-15). The essence of committing a genocide is physically and biologically exterminate a group of people to which cultural genocide preludes to (Garcia, 2019: 44). To act on the construction of the 'otherness' is to implement the termination

of that certain group which targets the cultural distinctiveness. One of the crucial areas of enquiry has been the scope to broaden the legal and social framework that defines genocide to be inclusive of the multifaceted nature and intent of extermination in contemporary society.

The step taken by The Gambia to file an application to lodge investigations against Myanmar for violations of the Genocide Convention in 2019 in the International Court of Justice (Becker, 2020) was considered a major breakthrough towards kick-starting a much-needed intervention to hold Myanmar accountable for the extensive harm and human rights abuses persisted towards the Rohingya. Similarly, also in 2019, then ICC Chief Prosecutor, Fatou Bensouda, approved a full investigation of the alleged human rights crimes suffered by the Rohingya in Myanmar and Bangladesh (Barber, 2019). Both steps can be defined as landmarks in at least officiating an investigation, signalling legal efforts in the direction towards formal justice. Appearing at the 1CJ in 2019, Suu Kyi did not name the 'Rohingya', instead defending the Myanmar military's actions towards the persecuted minority (Safdar & Siddiqui, 2019).[13]

1.6 The Role of Cultural Interventions and Reparations

TJ can be defined as a conception of justice and phases of deliverance of justice associated with periods of political change, characterised by legal responses and mechanisms to address past mass human rights atrocities and wrongdoings of predecessor regimes (Teitel, 2003: 69). Duthie (2011: 243) also states that "transitional justice refers to a set of measures that can be implemented to redress the legacies of massive human rights abuses that occur during armed conflict and under authoritarian regimes, where 'redressing the legacies' means primarily giving force to human rights norms that were systematically violated."[14] Understanding the foundation and connection between community based initiatives and cultural education contributes to a workable strategy to pursue memory based truth recovery and justice. Stratified ethno-religious identity has been at the forefront of nationhood in Myanmar, therefore, it becomes essential to retain that sense of belonging through these symbolic mediums. The intent to destroy a group of people can take several forms (Garcia, 2019).

[13] Moreover, Suu Kyi's refusal to acknowledge the term 'Rohingya' reassured the generational stance of the systematic marginalisation of the community and lack of legal identification.

[14] Ruti Teitel's (2003) genealogical mapping of transitional justice presents its evolution and emerging nature of approaching mass human rights violations in societies which grapple with conflict and violence.

The United Nations (UN) 'Basic Principles' (2006) categorises the need for reparations as part of humanitarian law, grouping it with restitution, rehabilitation, efforts of satisfaction and non-repetition. Symbolic reparations can perform a variety of needs in situations of humanitarian emergencies. Under the realm of transitional justice, the practice of memorialisation symbolises a form of reparation and is a commemorative tool to address and hope to repair past harms, although its efficacy has been contested (Brown, 2013). Memorialisation can refer to any process of preserving memories. As Antze and Lambek (1996) noted, "memory acts in the present to represent the past". Furthermore, the outcomes of memorialisation for societies or communities who have faced gross human rights abuses offer acknowledgement, encouraging them to "unburden themselves" and break their silences (Brown, 2013: 277). The relationship between memory and transitional justice revolves around the creation of socio-cultural meanings through interpreting memories.[15] When there are cases where there is severe ongoing violence that has been historically inflicted upon people, memory and public narratives can be politicised and manipulated by offenders and repressive regimes alike. While the realm of 'cultural genocide' as a standalone term is non-existent under international law, the impact of suffering of such a nature goes beyond just a threshold physical destruction.

The different measures which add up to make up a holistic approach to TJ aim to provide recognition for victims and survivors, foster civic trust and promote possibilities for peace, reconciliation and democracy, whilst merging both symbolic and material compensations to balance out the task of seeking justice and transformation from previous repressive circumstances (Duthie, 2011: 243). Alexander Boraine (2006) emphasised that as the evolution of TJ grew to meet the requirements of victims' demands, there ought to be a holistic interpretation at the centre of delivering sustainable reforms. Apart from the principality of criminal justice being one of the more prominent solutions to mass violence and violations, TJ needs to imbibe a transformative ability that remains at the core of the transition of the conflict-ridden predicament (Arbour, 2007: 5). Arguably the paradigm of TJ should not only be limited to recognising victims of human rights violations but should also consider providing a platform that acknowledges the potential and

[15] The OHCHR (2008) in' *Rule-of-Law Tools for Post-Conflict States: Reparations Programmes'* placed importance on symbolic reparations because of their ability to create and transmit meaning and a sense of healing. The importance of memory in the field of reparative justice has gained traction and recognition under international law as a juridical measure to address human rights violations.

possibility of transformation as this is the deep-seated ambition that would be deemed the cure of structural violence and violations (Arbour, 2007: 3).

The interdisciplinary connection between transitional justice practices and memory goes deeper into seeking truth, evidence and conserving recollections of past violence to pave the way forward in finding solutions (Clark, 2021: 695). And when there are cases where there is severe ongoing violence that have been historically inflicted upon people, memory and public narratives can be politicised and manipulated by offenders and repressive regimes alike. Hence independent parties or interventions staged by third parties including organisations and civil society (including survivors themselves) curate various strands of memories essential in preserving reliable excerpts (Said, 2000: 185).[16] Navigating memory is a complex task, especially when survivors want to mechanise it for renewing their rights and survival in the post-conflict society and/or settings. Transitional justice and peace processes have always been viewed as comprehensive initiatives to address post-conflict societies through apolitical and context-specific mechanisms (Sharp, 2013: 158). However, the conditions in post-conflict environments should inform the methodologies practitioners forecast and practice while determined by the availability and accessibility of relevant apparatus.

There is a growing notion of deconstructing the idea that memory being retold needs to have monuments, memorials or physical structures (Naidu, 2017: 11). Memorialisation moves beyond buildings and sites - it is a process in which reconciliation and reinvention is a priority to work towards, keeping in mind the community in question. The objectives of memorialisation rest in the context specific peacebuilding methodology suitable to undertake. It promotes a culture of countering narratives that repressive regimes push to silence realities of oppression, marginalisation and violence. Memory initiatives have the potential to document past injustices in a manner that is engaging and meaningful to bring out lived experiences to reconstruct reliable narratives. Localising symbolic processes that address complex trauma also provides a space for communities in need for accessible techniques to transmit socially communicating their past experiences.

[16] It promotes a culture of countering narratives that repressive regimes push to silence realities of oppression and violence. Memory initiatives have the potential to document past injustices in a manner that is engaging and meaningful to bring out lived experiences to reconstruct reliable narratives.

What lies at the centre of TJ ought to be a 'victim-centred' scope to evaluate and respond to human rights violations (Brown & Nı´Aola´in, 2014). The utilisation of memory in instances to address and vocalise past atrocities have been a particular option for practitioners as this delves into the intricate positionalities and spaces victims occupy. Abrams (2010) posited that memory is a discursive that can be built upon to hold reflection and form identity. Outside of the venture of justice pursuits, trauma and memory reserve the role of socio-cultural representation that aids historical standing and further interrogation (Traverso & Broderick, 2010). Whenever there are lived realities at play in the absence of structural support and relief, the interpretation of trauma, memory and experiences, are integral in positing broader discourses.

By recovering memories to awaken consciousness and rebuild societies which are fragmented, it alludes to the quality memorialisation possesses as symbolic reparations. For communities who have gone through genocidal violence and cultural extermination, preserving identity and heritage become central motivations. The relevance of memory is that it holds the multifaceted actuality of both, individual and collective lives. Memory initiatives thus deploy numerous objectives in navigating post-conflict societies and communities. They are public spaces for private stories, rooms for critical thought, commemorating and honouring legacies, universal invitations for people to reflect and propose to the future. Memory can also be policed by states and actors alike - seeking to repress, ingrain or add chronicles.

There has been more global pressure on institutions and regimes through advocacy to address colonial pasts that involved cultural erasure and acknowledge the complex legacies of genocide in contemporary society.[17] Cultural systems and practices are an integral part of sustaining collective identities and informing memory discourses and public histories, particularly when it concerns societies under the threat of destruction. Cultural heritage has earned a place in the paradigm of international customary law albeit not as an exceptional crime (Garcia, 2019: 40).

[17] The International Criminal Tribunal for the Former Yugoslavia (ICTY) recognized that "to deprive humanity of the manifold richness its nationalities, races, ethnicities and religions provide"; protecting cultural property and religious institutions during conflict ought to be a rule.

1.7 Situational Context

Episodic waves of violence against the Rohingya persisted since the 1970s. *Operation Nagamin* (Operation Dragon King) was implemented by the state, to clear out 'illegal immigrants' in 1978, forcing more than 200 000 Rohingya into bordering Bangladesh (Smith, 1991). Between 1991 and 1992, another round of operations forced around 250 000 Rohingya out of Myanmar and into Bangladesh along with accounts of rape and sexual violence, forced labour, village burning and torture (HRW, 1993). More than one million Rohingya have fled Myanmar. The period 2012 to 2014 saw many communal clashes between the Rakhine Buddhists and Rohingya Muslims.[18] A Buddhist woman was found raped and murdered, thus triggering communal violence in the Rakhine state in 2012. Local Rakhine residents had believed three Rohingya Muslims to be the perpetrators, so they initiated widespread communal violence (Roy Chowdhury, 2020: 592). The crime was sensationalised by Myanmar media outlets, and it provided a basis for them to launch a sectarian campaign nationwide, against the Rohingya. The Burmese authorities had also entered into Rakhine to commit gross human rights abuses including looting, murder, grievous assault and burning of Rohingya settlements in Maungdaw township and nearing villages. The loss and damage of property and families left thousands of stranded Rohingya to face more brutal harassment and tactics of ethnic cleansing leading up to several violent clashes in October of 2012, which saw an additional amount of indiscriminate violence including mass lootings and gang rapes and killings. The 2012 riots caused an estimated total of 94 000 Rohingya to be displaced; they fled using the Bay of Bengal as a sea route (HRW, 2012). About 120,000 had remained displaced within the Rakhine state, vulnerable to human rights abuses and detainment.

2012 saw the beginning of a series of consecutive military orchestrated attacks, leading up to October 2016 in which the Myanmar Army has seen retaliation at the hands of the Arakan Rohingya Salvation Army (ARSA), a Rohingya insurgent group formed in the northern part of Rakhine mainly based in Maungdaw township and surrounding areas border posts of Bangladesh-Myanmar (HRW, 2012). The clashes allegedly began when members of the Rohingya insurgency were accused of attacking three Bangladesh-Myanmar border posts to which the Myanmar Army (Tamtadaw) responded with mass violence again. More than 723 000 Rohingya have fled to

[18] Communal in this context relates to ethnic, racial and religious lines in post-independence Myanmar. Rakhine Buddhists are categorised as an ethnic-religious group and dominant in Rakhine.

Bangladesh since 25 August 2017 according to the UNHCR (ACAPS, 2017: 1-2). MacLean (2019) termed this a 'creeping apartheid'; a slow-motioned form of ethnic cleansing that adds up to large-scale clearance operations.

The military crackdown on the Rohingya on 25th August 2017 fueled their rapid flee into Bangladesh for refuge and escape. The sporadic rates of arrival in 2017 of the Rohingya in Cox's Bazar counted for at least 15 000 entrants, daily (ACAPS, 2017: 1-2). This eventually dropped to recording at least 3 000 entrants in October 2017 but nearly accounted for an estimated 1.2 million refugees in need who were located at Cox's Bazar (HRW, 2020). This was also considering the pre-existing Rohingya diaspora already located in Bangladesh from earlier entries up until the 2017 attack (Hallock, 2017). The ARSA were accused of abducting and killing government officials in Northern Rakhine as well as leaving a trail of coordinated attacks on police posts from July 2017. Although initially ARSA had denied several charges of agitation and violence, members of the ARSA later revealed that they had in fact orchestrated defensive attacks against army officials and regiment locations surrounding Maungdaw township to avenge the persistent humiliation and violence directed towards the Rohingya (Hallock, 2017). The 2017 mass exodus of the Rohinhya caught international media attention. However, there had been large existing groups of displaced Rohingya in Bangladesh from the previous episodes of violence since 1978. Newly arrived Rohingya refugees from the 2017 circle settled into the two main camp settlements; Kutupalong and Nayapara in Cox's Bazar district of Chattagram[19] (Sameen, 2021: 21). Around 76% of the newly arrived Rohingya are women and girls, among the majority of whom have suffered from different forms of gender based and sexual violence (Hutchinson, 2018: 2).

The International Organisation for Migration (IOM) and UNHCR have been the primary sources of coordination and intervention, with other UN agencies and nongovernmental organisations facilitating efforts for monitoring and relief aid as well as provision of other essential services such as public and reproductive health and education (Sameen, 2021). The Refugee Relief and Repatriation Commissioner (RRRC) under the Ministry of Disaster Management and Relief in Bangladesh are responsible for administering the camp settlements. From 1993 to 1997 UNHCR also oversaw and facilitated a bilateral agreement between Myanmar and Bangladesh which saw

[19] Also known as Chittagong division.

the involuntary repatriation of around 230 000 Rohingya back to Myanmar (Farzana, 2017). Furthermore, there had been recurring intergovernmental talks on attempted resettlement and relocation of around 100 000 Rohingya including to the remote coastal island of Bhasan Char, by the Bangladeshi government, drawing global criticism for the negligence of human rights standards. Myanmar consistently refuses responsibility and display a lack of political and will and accountability for the Rohingya's displacement (Sameen, 2021).

1.8 Myanmar's 1982 Citizenship Law

As the UNHCR has consistently stated, access to citizenship and nationality is a form of basic human security (Batchelor, 1998: 158). The access to nationality and official citizenship has been internalised as a fundamental human right and legal necessity which has conjured up political connotations over the years. The concept of citizenship has emerged as a crucial social and political institution which has been seen as a vital tool for democratisation (Isin & Turner, 2007: 16) apart from it being a legal entitlement for civilians to claim as part of their right to claim civic and legitimate belonging. The ideology of nationhood, from its evolution to its perseverance, resounds a lasting thread of rationale that institutionalised identity to contemplate unity (Calhoun, 2016: 16). It justified a local identity to protect the ethos of uniformity - a shared group of traits such as language, cultural practices, social ties to consolidate membership and belonging.[20]

In the context of Myanmar, citizenship is more grounded in the elements of approved belonging afforded by the government. In this case, albeit various allusions to ethnic identity, it would be defined as a socio-cultural demographic grouping with similar practices, norms, and ideology (Walton, 2008: 891). Recognition as a national race or *taingyintha* can be referred to with similarity to indigeneity; it has been a means for groups to attain citizenship rights. The 1982 citizenship law lays out the foundational criteria for granting citizenship rights based on ethnicity, into three key provisions. Full citizenship rights are granted to members of ethnic groups which have been living within the borders of Burma since 1823. Associate citizens are those who are born in the country after 1823 and there is also the scope for naturalisation (Lee, 2019: 251).

[20] Practically, the backbone to nationalism is the understanding of what holds communities together, that the ethos to democracy in modern nation states harbour the importance of belonging that then translates as political membership.

With the implementation of the 1982 citizenship law, the stripping away of Rohingya's civil, political, and economic rights was legally justified. The Myanmar government has consistently denied citizenship entitlement to the Rohingya since they have not been identified as a national race (Lee, 2019: 252). Myanmar's successive governments have not acknowledged and do not acknowledge the group's legitimacy. Therefore, not granting them collective legal recognition as citizens of Myanmar. While the key elements of 1974 constitutional provision of citizenship was important in verifying who is considered a Burmese citizen, the 1982 citizenship law was more stringent on the notions of ethnic acceptance in the country, following on from how the guidelines were made following the 1962 coup (Walton, 2013).

Previously under the 1948 union citizenship act which was drafted upon independence, the state gave special rights to the categorised main eight groups for citizenship but did not limit citizenship to only these groups (Cheesman, 2015:1). In fact, the law mentioned that any person whose forebear had lived in Burma for at least two generations would be considered a citizen. Although race was present as a feature for the grounds of citizenship under the 1948 union citizenship act, it was not prominent and whether a person was deemed indigenous or not, was largely inconclusive to attaining citizenship. The unimportance of ethnic or racial categories in relation to citizenship was evident in the National Registration Cards or what was commonly called ''Green Cards'' issued by the government for use in 1952, under the 1949 Union Residents Registration Act. There was no space or section to indicate which racial grouping the person belonged to or whether they were a member of a national race or not (Cheesman, 2015: 2).

Along with the 1974 Myanmar constitution, the citizenship law[21] specifically states eight major indigenous ethnic groups, namely: "Karen, Kayah, Kachin, Burman (Bamar), Rakhine (Arakanese), Chin, Mon and Shan", as citizens (Cheesman, 2015). This uprooted the previous condition of a non-exhaustive ethnic listing. These are the groups that are widely represented and identified as being national races or *taingyintha.* However, although this list is not exhaustive as suggested by the law, the Council of State "may decide whether any ethnic group is national or not" (Lee, 2019: 251).[22] With this novel legal provision under the 1974 constitution, Ne Win's

[21] (Chapter 2, Section 3)
[22] (Chapter 2, Section 4)

regime did not acknowledge citizenship rights that were accrued according to the post-independence constitution (Union of Burma, 1947:1948). In 1990, Myanmar narrowed down further on the list of national races by clarifying which ethnic groups are included. 135 ethnic groups were listed, including the eight major ethnic groups recognised as being indigenous.

Instead, recognising who was considered a legal citizen under the newly found 1974 Burmese law by the authorities was thought out by assuming that Muslim residents in the Western part of Burma, the Rohingya, who despite having citizenship rights in the prior decades, were most likely not eligible to maintain their status in the country (Lee, 2019: 251). Additionally, the 1982 citizenship law also stated that a person would only be granted citizenship if they were born to parents who belonged to the national races, as opposed to the previous condition of residence for at least two generations (Cheesman, 2015: 2). The Rohingya would now be required to make citizenship claims, without presenting their identity documents including Burmese passports. Hence, their legal status as citizens that were previously recognized post-independence, up until 1962, were now being defined by the Ne Win regime. The Rohingya identity began to dissolve socially and politically (Lee, 2019: 251). The primary reliance of ethnicity as being a deciding component of citizenship rights, given the arbitrary notion of what ethnicity is and what the provision of that allows the Council of State to declare what constitutes a national race or *taingyintha* (Cheesman, 2017). This also makes way for the government to despotically grant or take away citizenship rights from any group. Hence citizenship rights can accrue from what the government chooses to recognize as legitimate. This was evident in 2016, when former President Thein Sein's administration granted formal citizenship to a group identified as ethnically Chinese, the Mone Wun, as a Bamar subgroup (Lee, 2019: 252).

With the development of Myanmar's partial democratic transition as a change of regime in 2011, the long-standing legacy of colonial violence and human rights violations still stood fiercely in the way of redress and the path to accountability (Renshaw, 2019: 383). Despite the presence of a constitutional shift to democracy, from the onset of 2016, the initial wave of violence that returned in August of 2017 towards ethnic minorities, most notably targeting the Rohingya, was an orchestrated effort by the national armed forces. In fact, the 'clearance operation' that was carried out by the *Tatmadaw* (Myanmar military), was government endorsed, demonstrating hostility towards the Rohingya that had been historically evident (Cheesman, 2017). Exclusionary policies

towards the Rohingya generated their status as stateless persons who are without legal citizenship (Haque, 2017).[23] The state's deliberate lack of socio-political support and acknowledgement to the Rohingya has deprived them of their human rights in the nation, as they are left to endure violence in their native Northern state of Rakhine. With the implementation of the 1982 citizenship law, the stripping away of Rohingya's civil, political, and economic rights was legally justified (Lee, 2019: 247).

The politicisation of citizenship was groomed from Myanmar's first leader General Ne Win's inhibitions towards classifying 'foreigners.[24] Following 1962, policy transformations and governmental revisions, Ne Win's military rule would have long lasting consequences, especially having a negative effect on groups deemed foreign to the land of Burma, regardless of whether they have resided in the country for centuries or not (Lee, 2019: 249). Ne Win's military government suspended the 1948 constitution which was formulated at the time of independence.[25] The military government's policies favoured the Bamar ethnic group and the Buddhist religion in pursuit of cultivating a national Burmese identity. This was termed as 'Burmanisation' to reinforce the cultural assimilative process of placing the Bamar identity to be the normative Myanmar national identity (Walton, 2013). This Burmanisation policies undertaken in the wake of the coup frequently featured discrimination against ethnic minority groups[26] in things like culture, language, religion, and education (Lee, 2019: 249). Buddhist nationalism has placed the framework of ethno-religious conformity at the centre stage of Myanmar's post-colonial nation building.

International law stipulates that national state laws should determine and affirm matters of citizenship. And so, this determination will be validated under the scope of international law, as long as it accords to its general guiding principles, extended under individual state jurisdiction as well. Hence, under International Law, it is stipulated that each state is to recognise those deemed to be its citizens (Batchelor, 1998: 156). The problem with statelessness is not only a legal

[23] Article 1 of the 1954 Convention relating to the status of Stateless Persons, formulated by the UNHCR, states that;
''For the purpose of this Convention, the term "stateless person" means a person who is not considered as a national by any State under the operation of its law.'' (UNHCR, 1954: 6).

[24] Citizenship has had close ties with ethnic identity, which highlights their priority of listing 'national races', a privilege to gain legal recognition (Lee, 2019: 247).

[25] This suspension served as a chance for the regime to reconvene the entire question on who ought to be considered a Burmese citizen (Taylor, 2009).

[26] The populations Ne Win considered to be foreign were often key targets of marginalisation and Burmanisation practices were heavily criticised by non-Bamar ethnic groups.

impediment but also primarily also about visible identity under the law.[27] While after the conclusions of World Wars I and II in Europe highlighted the rising refugee problems, statelessness was barely explored in that period of migration (Kohki, 2010: 8). Stateless persons do not conform or fit into a reciprocal framework of rights and duties, thus excluding them from the boundaries[28] of conventionality in nations. In the growing paradigm of globalisation, migration has also given rise to statelessness amongst vulnerable groups of persons who are alienated due to their migration status (Kohki, 2010: 16). The conceptualisation of citizenship has emerged to be both, a socio-political and cultural entity generated through historiographies on state practices, conformity, and belonging, from its citizens.

[27] Under the regime of international law, there is an absence of the obligation of granting stateless persons a nationality, the convention is able to confirm stateless persons' status as being stateless or without a nationality.

[28] Stateless people do not have access to identity documents that make international movement possible.

Chapter 2: Who is a Rohingya?

2.1 Introduction

This section outlines and provides an overview on the placement of the 'Rohingya' identity, from its historical, genealogical origins to the contemporary politics around their conditions and the roots of their discrimination along with a discussion on migration and displacement. The history behind the contested legacies of ethnic constitution in the Rakhine state must be debunked prior to investigating the state of the conflict towards the Rohingya people. This chapter will then proceed to unpack the role memory politics play in symbolic gestures of pursuing visibility and documentation which are discussed in connection to transitional justice and further discusses the nuances of memory making in contexts of historical discrimination.

2.1.1 Tracing the 'Rohingya' Identity

It must be noted that tracing the presence of Muslims in Rakhine state in the context of this thesis, entails the becoming of the 'Rohingya' identity and not ethnographically historicising their origins. Identities are complex discourses, difficult to consolidate if they travel through periodic episodes of migration, conflict and ethnogenesis. The Rohingya identity has been formed through decades produced by negotiations and conflicts of pre-colonial, colonial, and post-colonial times and socio-political climate. During the eighteenth century, there was a conflict over claiming hegemony over the Rakhine region and there was an intense and complex struggle over historical discourse and rights over claims of land, language, and culture of Rakhine (Roy Chowdhury, 2020: 596).

The genealogy of the 'Rohingya' people transcends from generations that have experienced the ebb and flow of migratory trends, inter-ethnic conflict, state-led militarisation and systemic marginalisation. The community that is known as the 'Rohingya', are a Muslim community from the Ma Yu Frontier of Myanmar (Roy Chowdhury, 2020: 590). They resided mainly in the northern part of the Rakhine province, which was earlier known as Arakan until 1989; mostly in Maungdaw, Buthidaung and partly Rathedaung townships. The term 'Rohingya' emerges from the word *'Rohang'*, originating from early Muslim settlers in the Arakan region (Thawnghmung, 2016: 527). The Arakan region which is currently known as the Rakhine state is a large coastal region located in the western part of Myanmar, bordering the Bay of Bengal and lying under the Arakanese Mountain range.

The very first Muslim settlers to arrive in the Arakan kingdom[29] was around the ninth century, bringing Islam to the coast of western Burma (Yegar, 2002: 19). The name *'Rohingya'* is sourced from the pre-colonial and colonial term 'Rooinga', 'Rwanga'; stemming from the words 'Rohang' and 'Rohan' when early Muslim traders arrived in the Arakan region (Thawnghmung, 2016: 527). Throughout history, the number of Muslims in Burma grew steadily, but Buddhism remained in strong presence as Burmese kings already favoured and protected Buddhist habitants (Yegar, 2002: 21). Since major trade colonies were centered in Bengal, Muslims had a strong presence since the twelfth century (Yegar, 1972). It was only in 1785 that the Kingdom of Arakan assimilated into the Burmese Kingdom, after centuries of interaction with the Islamic Sultanate of Bengal (Yegar, 2002: 24).[30] This was also long after the settlement of the Rohingya in the Arakan region. However, the term 'Rohingya' was derived mainly from 'Rohang' which is also an old name used for Rakhine (Ullah, 2011). The Muslim presence was so influential, as Bhattacharya (1927) noted, that Arakanese Buddhist kings became "somewhat Mahomedanised in their ideas". However, this ethnonym had a controversial effect as it connoted more of a religious association to the Rakhine population to be predominantly Muslim (Charney, 2005).[31] The Rohingya speak the Rohingya/Ruaingga language, which is different from other languages spoken in Rakhine and Myanmar. It is a form of the Chittangongian dialect of the Bengali language.

Burma entered colonial rule in 1824, before becoming an overseas province of British India (Ansar, 2020: 444). As a result of Burma being an official province of British India, there was a lot of Indian immigration which accounted for an increase in Burma's Muslim population (Yegar, 2002: 24). While Burma was a province of colonial Burma, there was a re-assortment of administrative demographic-sparked massive regional flows labour migration, encouraging male workers to move from Chattogram to Arakan till 1937 (Farzana, 2017). This inflow brought Islamic Bengali influence onto the history of the Rohingya and has been turned into a narrative that characterises them as 'illegal Bengali migrants' in Burma. In the Arakan region, the immigrants usually consisted of Chittagonian Bengalis hailing from neighbouring Islamic Bengal, increasing the Muslim population in Western Burma as well. 1824 also marked the annexation of

[29] What is now known as Rakhine state; Arakan was renamed as Rakhine in 1974.

[30] In the Buddhist Kingdom of Arakan, Islam attained a stronger stand, partly also owing to its relative isolation from the rest of Burma and its proximity to Islamic Bengal (Yegar, 2002: 23).

[31] It must be noted that there is a small portion of Rohingyas that are Hindu, and they enjoy more rights than Rohingya muslims (Mahmud, 2017).

the Arakan region, where colonial authorities mapped the demographic landscape to categorise ethnicity, identity and indigeneity in Burma (Roy Chowdhury, 2020: 597).[32] What followed after the British takeover of Burma from 1824 to 1948 was an expansion on colonial borders through Bengal to Burma. Ethnic minorities such as the Arakanese, Karen and others in the peripheral regions of Burma formed an alliance with colonial forces against the Burmese state (Farzana, 2017). Notably, the Rohingya opted to support the British during the second world war whereas the Bamars sided with the Japanese. This deepened the hostility towards them in a post-independent era, treating their alliance with the Japanese as betrayal. The collaboration was key in demarcating the ethnic borderland dispute between Arakanese (including the Rohingya) and Burma.

However, both the newly arrived and indigenous Muslim and Buddhist Arakanese lived harmoniously until the Japanese invasion of Burma during the second world war when the nationalist vision was evoked to achieve liberation initiated by Aung San against the British (Cheesman, 2017). What followed was the arbitrary nature of designations to national membership of Burma, first decided by colonial authorities. Under British rule, there was a hierarchy of racial prominence with local Burmese occupying the bottom ranks (Kipgen, 2013). Burmese society was marked with many differences before and during the independence struggle. These existing conflicts were exacerbated during British rule which sought to bring about administrative control and military recruitment strategies (Walton, 2008: 894). While Myanmar resorts to a rigid socio-political framework on how national races of Myanmar are determined through successive governments' motives of enclosing native rights and privileges, there has been hardening chances of mobility for foreigners into Myanmar, despite a rich history of sub-regional migration pre- and post-independence (Thawngmung, 2016: 528).[33]

Since the country's independence in 1948, Myanmar's various citizenship laws have favoured ethnicity and indigeneity, although they have also privileged residential evidence in gaining legal access to citizenship (Republic of the Union of Myanmar, 2008). When Burma first gained independence, most of the forebears of today's Rohingya's population were citizens of the newly

[32] From the period of colonial rule from 1824, Burma had internalised a racialized rule that presided over its political functionality that sought to arbitrarily influence a homogenous type of nationalism (Grundy Warr & Wong, 1997).

[33] This further fuelled a particular type of anti-colonial defiance that was based on alienating non-Burmese groups, such as other South Asian migrants, and creating a 'Bamar' national identity.

independent Burma and also acknowledged as citizens by authorities. Independent Burma's first Prime Minister U Nu declared the Rohingya to be part of the ethnic races of Burma (Haque, 2017). During the democratic period before Burma's 1962 military coup, the Rohingya people had been granted identity documents and passports just as other Burmese citizens with political rights too. They had voting freedom and one could count the number of parliamentary and political representatives in government from their constituency and region (Berlie, 2008). In independent Burma in 1948, the Rohingya were isolated as Arakanese Muslims or "people who believed in Islam in Rakhine state".

On 2nd March 1962, Myanmar's armed forces, known as the *Tatmadaw*, under the leadership of General Ne Win, through his party called Burma Socialist Programme Party (BSPP), successfully took over via a coup and gained control of the Burmese regime (Cheesman, 2017). General Ne Win had now seized complete control over the executive, legislative, judicial, as well state authority; Ne Win's notions could reflect the law of the land (Walton, 2013). The policy transformations and governmental revisions Ne Win's military rule conducted would have long lasting consequences especially having a negative effect on groups the military saw as foreign to the land of Burma, regardless of whether they have resided in the country for centuries or not (Lee, 2019: 249). Ne Win's military government suspended the 1948 constitution which was formulated at the time of independence.[34]

Ne Win's own inhibitions and attitude represented more of the criteria which constituted who may be considered foreign (Walton, 2013). The military government applied the country's citizenship laws, ignoring legitimate citizenship rights and existing Burmese law. The military government's policies favoured the Bamar ethnic group and the Buddhist religion, in pursuit of cultivating a national Burmese identity. This was termed as 'Burmanisation' to reinforce the cultural assimilative process of placing the Bamar identity to be the normative Myanmar national identity (Walton, 2013). The Burmanisation[35] policies undertaken in the wake of the coup frequently

[34] This suspension served as a chance for the regime to reconvene the entire question on who ought to be considered a Burmese citizen (Taylor, 2009).

[35] A term used to indicate how internalised the construction of a hegemonic ethno-national identity is; 'Burman' to symbolise belonging to Burma.

featured discrimination against ethnic minority groups in things like culture, language, religion and education (Lee, 2019: 249).[36]

The military government's actions prompted the widespread migration of Indian and Chinese populations from Burma, after they were perceived to be foreign along with other ethnic groups which hindered them to earn a living. This was even despite them being settled in Burma for generations and were entitled to citizenship under the provisions of both the Constitution of the Union of Burma (1947) and Union Citizenship Act (1948). An estimated number of around 100 000 Chinese and 300 000 Indians left Burma during the 1960s (Walton, 2013). The Rohingya had not been expelled out of Burma at that time although their rights were restricted. Ne Win's long-term strategy was to systematically undermine the Rohingya's claims to citizenship whilst reiterating Burmanisation, for the purpose of the Bamar ethnic group to remain the bearer of a national Burmese identity and threaten other ethnic groups (Lee, 2019: 250). Post Burmese independence in 1948, the term 'Rohingya' was officially made an official ethnic identity of the Arakanese Muslims on the petition of constituent assembly member M. A. Gaffar (Wade, 2017).

Although the name 'Rohingya' had been present earlier and used in political contexts, it had now been recognised officially. The Rohingya mainly lived in the Rakhine province of Northern Myanmar and had accumulated a legal identity in early post-colonial Burma. As Charney (2005) states, the Rohingya were considered to be a nomadic group of people, not text-based society with certainty and had minimal stake in the Buddhist nation building process.

2.1.2 Othering the 'Rohingya'

By the time British occupation had settled into Burma leading up to the second World War, they solidified its colonial bureaucracy and administration. The colonial state had systematically profiled exclusion on the base of a hierarchy that would discriminate by race and class (Ferguson, 2015: 7). However, a small number of Burmese nationals had started sowing seeds of rebellion to topple the British administration (Walton, 2008: 895). General Aung San, under the Burmese National Army conducted negotiations to lead the independence struggle. Aung San began

[36] The populations Ne Win considered to be foreign were often key targets of marginalisation and Burmanisation practices were heavily criticised by non-Bamar ethnic groups.

establishing communication with the Japanese who had invaded Burma and liaised with San's group to form support against the British occupation. The Japanese occupation was partly responsible for forming the national army of Burma who were involved in the independence struggle dating from 1942. The Japanese military aide was also largely supported by Burmese Buddhist nationals who had been deployed to oust the British troops to gain freedom (Walton, 2008: 895). Ethnic minorities had been enlisted in the British forces, so there was a divergence in allegiance when it came to opposing ethnic groups in the duration of the independence struggle. The Burmese Independence Army (BIA) which was subsequently formed by the Japanese and their Burmese allies, mostly consisting of Burmese and Indian ethnic minorities, were in favour of independence for Burmans (Callahan, 2004: 67).

In 1961, the Rohingya were fully recognised as citizens of Myanmar, carrying equal status of nationality with other national races (Zarni & Cowley, 2014). The Rohingya primarily lived in the northern part of Rakhine state, distributed in the Buthidaung, Maungdaw, and parts of the Rathedaung townships (Roy Chowdhury, 2020: 598). However, after the 1962 coup, the military regime under General Ne Win strengthened its grasp on the political and demographic landscape. The government pushed people of Chinese and Indian ancestry in Myanmar to displacement and poverty, adopting stricter measures to inch towards legitimising a national identity (Smith, 1991). By constructing a narrative that monopolises the sense of belonging to only those groups of citizens that are recognised, the government deliberately put in place exclusivist nationalism which directly affected minorities notably, but not excluded to the Rohingya (Smith, 1991). This remapping of nationalism that had an arching of a deep-seated system of othering was enforced by the intergenerational belief that dark-skinned people of South Asian descent and Muslims did not have a place in Myanmar (Walton, 2013).

The grounds for disqualifying certain groups of people based on their origins or colourism internalised as political motives to 'othering'. From the 1970s, the Rohingya were labelled as 'illegal immigrants' from Bangladesh and they evoked a radical form of integration that entailed crafting a state identity on the basis of a narrative that divided 'them' from 'us' (Vernon, 2021: 262). This stems from the discourse of the 'national races' which institutionalised othering ethnic

minorities that did not fit under their primary narrative of belonging.[37] The 'illegality' of the Rohingya was born from the 1982 Citizenship Law that sought to hierarchise racial positioning in post-colonial Myanmar. The underpinning and exercise of this citizenship law surpassed the symbolism associated with belonging in the context of a nation; it was more in tune to subscribe to the idea of 'national races' (Kipgen, 2013). Fully recognisable citizens were the 'national races' who settled in Myanmar before 1823, before British rule.[38] Additionally, the prospective candidates also had to be in knowledge of one of the national languages which few Rohingya could speak or were in any possession of evidential documents. Hence, they were also not granted de jure or de facto citizenship (Cheesman, 2017).[39]

As Roy Chowdhury and Abid (2022: 81) referenced the term "boat people" as an association to the Rohingya people, it denoted their extreme marginality as part of their existentialism. The imagery of a large group of migrants on boats at sea sets a tone of desperation and tragedy; the perpetual notion of victimhood in between legality and illegality; visibility and invisibility. Their existence, albeit present, is theoretically rendered debilitatingly passive and 'invisible' through state laws. The angle of 'invisibility' is now synonymous to their condition, under a socio-political lens. Critically, Arendt (1943) deduced that citizenship allows a person to possess rights; the right to citizenship is a path to have rights. By ousting people from that access to citizenship, it transforms them into 'politically passive' despite being 'physically active' (Arendt, 1943).

Statelessness forces upon individuals a sense of immobility, spatially and socially.[40] The lack of citizenship rights triggers people into vulnerability, forced migration, and exposure to persecution (Jernigan, 2019). Moreover, the interpretation of statelessness onto lives equates to social immobility and invisibility that is stressed in the case of the Rohingya. Their 'illegal' status was constructed to demobilise their identity and accelerate their vulnerability (Roy Chowdhury & Abid, 2022: 81). The specific words 'Muslim' and 'Bengali' are attached to identifying the

[37] Myanmar's anti-colonial struggle was intertwined with ethno-religious sentiments which inched towards cultivating a basis that endorsed the grounds of belonging through a predominantly Buddhist re-imagining (Nixon, 2010).

[38] Associate citizenship was granted to those whose pending applications were made under the 1948 Citizenship act and naturalized citizens would be granted to those who could give conclusive evidence of entry and residence before 4th of January 1948, before Burmese independence (Lewa, 2009).

[39] Through this system of citizenship, successive governments weaponized racial and ethnic identity as a hierarchy to prevent 'foreigners', which would be arbitrarily decided on as well by presiding leadership.

[40] According to Arendt (1943), the right to citizenship and the concept itself lends to individuals gaining a political identity associated under a national regime.

Rohingya community in Myanmar, indicating their inclination to alienate their origins to pre-colonial Burma (Roy Chowdhury, 2020: 598).

As stateless people, the Rohingya, are also subject to everyday invisibility and marginalisation. Their immobility and invisibility are at the core of their living status which is bounded by their 'illegality'. Even post the democratisation phase of Myanmar in 2008, on the behest of Aung Suu Kyi, the word 'Rohingya' was told to be avoided, instead replacing it with Rakhine Muslims (Lee, 2014). The social construction of 'illegality' is at the backbone of their marginalisation which converts their visibly present identities into products of criminality (Chavez, 2007). The presence of their 'illegality' consistently contributes to their undesirability within the domain of Burmese society, and largely extended to their host countries, most notably Bangladesh (Roy Chowdhury, 2021: 672). For example, in Malaysia, one of the host countries for the Rohingya, they are still perceived to be the migrant "other" and often referred to as "Bangla"[41] as a slur used for migrant workers from Bangladesh (Hoffstaedter, 2019). Lee (2021: 3) states that social media sites such as Facebook, have acted as catalysts for the Tatmadaw to spread hate speech against the Rohingya with hundreds of military officials creating fake accounts, names and pages to post inflammatory remarks on the Rohingya.

The Bengali problem was a long-standing one which has become an unfinished job despite the efforts of the previous governments to solve it. The government in office is taking great care in solving the problem.[42]

(Senior General Min Aun Hliang, 2018)

The abovementioned Facebook post is an example of how the Tatmadaw securitised discourse by inserting dehumanising language to exemplify hate and genocidal intent against the Rohingya as the Human Rights Council[43] (2018) found. By consistently referring to the Rohingya as 'terrorists',

[41] A term also used for 'Bengali'.

[42] This was a facebook post made during the peak of military operations aimed at ethnic cleansing of the Rohingya, significantly pointing out that the 'Bengali problem' had to be dealt with.

[43] "The crimes in Rakhine State, and the manner in which they were perpetrated, are similar in nature, gravity and scope to those that have allowed genocidal intent to be established in other contexts. Factors pointing at such intent include the broader oppressive context and hate rhetoric; specific utterances of commanders and direct perpetrators; exclusionary policies, including altering the demographic composition of Rakhine State; the level of organisation indicating a plan for destruction; and the extreme scale and brutality of the violence (Human Rights Council, 2018).

there is an internalised perception of them being a security threat. Identity and ethno-religious politics have played an intricate part in categorically assorting demographic distributions across communities. This has not only fuelled ethnic based tensions but also has institutionalised a system where categorising ethnic identity has resulted in discrimination and severe marginalisation, and this repeatedly interrupted social cohesion and co-habitancy in the state. This also had propelled a structure where certain sects of the population were granted privilege and merits but simultaneously also implanted deep-rooted fractions in 'minority' groups, who are excluded from mainstream entitlements (Clarke et al, 2019). Genocidal violence encompasses the eradication of cultural identity and it should be considered one of the inseparable assets of community life.

While Myanmar resorts to a rigid socio-political framework on how national races of Myanmar are determined through successive governments' motives of enclosing native rights and privileges, there has been hardening chances of mobility for foreigners into Myanmar, despite a rich history of sub-regional migration pre- and post-independence (Thawnghmuhg, 2016: 528). The Rohingya identity has been marginalised in the national narrative; their exclusion from the 135 groups of national races in Myanmar is symbolic to their ostracization (Hoque, 2018: 555).

2.2 Debunking the 'Othering'

Samuels (2013: 148-149) states that identity is determined by individuals' choices and social contexts and an identity transforms into a political identity when the identity becomes politicised, bearing more significance to the state than to the self (Massey, 2004: 5). Basically, the conception of identity is formulated on the basis of 'who we are' and 'who are not', generally (Massey, 2004: 5). Samuels (2013) also maintains that identity is fluid and individuals can have multiple identities which become politicised through social choices and personal affiliations. As a result, the designation of 'Us' and 'Them' becomes more fervent as socio-political groupings of identity markers become a realistic manner in identification. Identity formation becomes regularised in contexts of political significance to garner more of recognition and difference.

The "political" element of a political identity refers to the usage of political power by a group to defend its members interests (Samuels, 2013: 149). National identity becomes a particular part of political identity, providing a basis through which nation-states can adopt their sovereignty and present a standing image of it (Samuels, 2013). Charles Keyes has pointed out that ethnic identity

stands out even more with its mixture with politics and ideology, especially in constructing a national identity in the modern world (1997). In post-colonial states, political identity becomes a manifestation of elitism cultivated from favouritism, endowed upon those with privilege and proximity to governance (Mamdani, 1996: 146). This even becomes much more compelling to the state when it is associated with ethnicity. Mamdani (1996: 146-147) writes that the concept of 'tribe' or 'ethnic group' was primarily derived from colonial rule; colonial authorities defined these as a distinctive group with its own law. Usually referred to as a custom, this definition was unwritten but implicit. This asserts that ethnicity, as Mamdani (1996) points out, was a means of colonial control over "native" or "indigenous"[44] people. The colonial rule also defined the parameters of local authority and state apparatus through the glance of indirect rule, which reinforced ethnic bound institutions (Mamdani, 1996: 147).

Hence, ethnicity is just more than an identity; it constitutes beyond the binary of social control, social liberation, as well as mobility and legitimacy. Local apparatus of the colonial state was assorted either on an ethnic or religious basis (Mamdani, 1996: 147). Edward Said (1978) points out that 'othering' formulates a process of subjugating identities, extending them to become alternative - the 'other'.[45] While imperial hegemony that left a legacy in the post-colonial period dictated the geo-political dynamics of nation-states also trickled down to producing identities that did not have proximity or access to the 'West' (Said, 1978). Hence, 'othering' becomes more of this reductive method in reproducing 'alternative identities' that hegemonic imperialism enforces and seeks to represent. Farzana (2017) also delineates that this specific differentiation was hyper-politicised because the Myanmar government externalised the Rohingya people given their linguistic proximity and similarity of appearance to Chittagonian Bengalis of Southern Bangladesh, therefore alienating them from the Burmese polity. The nature of political identity is complex and historic migration and settlement are attributed to stationing communities' placement in the social landscape (Farzana, 2017: 60). Ethnicity is a long-lasting attribute of identity as it is formed through nuanced socialisation and cultural reception which boils down to reconfiguring

[44] This term was used and rotated in the colonial context to differentiate between the settlers and those who inhabited the land before imperialism.

[45] This was in his seminal book *'Orientalism'* where he deconstructs the perception of the 'other' that is constructed by neo-colonialist thought. The ideologue of 'othering' is steeped in oppression and marginalising subjectivity, as orchestrated by colonialism. Edward Said also deems that knowledge production from the global north also produces this 'other'.

social relevance and relations in divided societies. This roots in the gravity identity politics pulls forth to contextualise the importance of addressing the dynamics of collective identity.

In the historic veins of post-colonial Myanmar, anti-colonial opposition had pooled an exclusionary model of membership that had racist and xenophobic undertones. By weaponising the role of citizenship as a means to present nationality privilege to the 'national races', Myanmar has strategically led a systematic delegitimisation of minority groups, such as the Rohingya community. Despite having historical and archaeological evidence of habitation in Myanmar. Buddhist nationalists have embedded the belief that the Rohingya, or as known to them as '*Kalar*' are different to Burmese identity or culture (Ullah. 2016). By legally distancing the Rohingya from official citizenship status in 1982, their stratified identity was alienated within the national framework. Nyi Kyaw (2015) also adds that the term 'Kala' was not only reserved specifically for the Rohingya, but it was a term associated with Muslims living in Myanmar. The '*Kala'* rhetoric institutionalised the prejudice against South Asian Muslims, also given that Burma was still a part of the Indian province under the British Rule (Kyaw, 2015: 56). Muslim personhood in Myanmar has been demonised and systematically side-lined. However, the Rohingya fare the worst because of the denial of citizenship.

Post the coup of 1962 in Myanmar, the aura of exclusionist nationalism also normalised a jingoistic atmosphere that threatened minorities that were arbitrarily ousted from their socio-legal framework of recognition. As Cheesman (2015) states, the nature of Myanmar's citizenship structure and nationality laws are politicised in a way to enable restriction of certain groups. The discrimination and socio-legal marginalisation faced by the Rohingya under successive regimes account for the gross human rights abuses committed towards them (Lee, 2019: 254). By systematically 'othering' the Rohingya, their identities were rendered invisible within the realm of a sovereign nation that was reproduced even beyond borders. The Rohingya therefore have faced severe threats leading to an 'invisible' and inferior identity in the post-colonial Burmese landscape.

By relying on the complex construction of the 'othering', there is an intergenerational approach to maintaining the status quo of alienating 'them'- the Rohingya. Despite the transition of their legal status from being recognisable citizens to rendered stateless, their undesirability is portrayed as a form of perennial deviance (Vernon, 2021: 264). By the regular, systematic construction of the

Rohingya as a threat to national security and identity, the Tatmadaw was successful in creating an unwantedness to their existence; a move deeply rooted in their agenda to define a discursive resting on stigmatising peripheral identities. The powerplay involved categorising identities into socially and legally acceptable brackets further furnishes the marginality of certain identities, pushing them to abide by the constructs of 'otherness'. This is proliferated by the production and reproduction of 'illegality', based on identity politics pushed by the state (Lee, 2019). Former president Thein Sein had ingrained a political culture of economic transformation and transition into democratisation (Cox, 2014). This was also to highlight that there was an ongoing effort to bring a long-term end to ethno-religious conflict in the country. These have been more visibly sparked in the last decade striking against the Rohingya whose historic persecution has given way to a brutal exodus. This would indicate that ethnic conflict is hinted to be one of the main concerns that has emerged to be constant irks in communal riots (Cox, 2014: 2-4).

Benedict Anderson (1983) coined the term 'imagined community' to relate the concept back to identifying communities that share commonalities, be it socially or culturally. Anderson (1983: 49) commits to understanding an 'imagined community' as a form of nationalism, one that imagines its community members as manifestation and sovereign. Furthermore, the idea that a political community - no matter what its size or geographical spread - lends itself to nationalism. Anderson also provides four tiers to imagined communities so that there is a manner in which they can be categorised as the formation of nationhood. Firstly, it is imagined (1983: 49), as even members of the smallest nation will never get to meet their counterparts or fellow members. However, there is an imagined sense of their belonging and communion. Nations as imagined are limited and serve a purpose with boundaries and limited membership (1983: 50). Following that, nations that are imagined are sovereign and they are identified as a community. At the heart of the concept of 'Imagined Communities', is the idea that they are symbolic of horizontal comradeship and representative of a fraternity despite the inequality and inequitable nature of an imagined space (1983: 50).

2.3 Debates on Forced Migration and Displacement

Asia is typically seen to resist the global refugee regime.[46] With the exception of China, Cambodia, Japan, Korea, Timor-Leste and the Philippines, few countries on the continent have ratified the 1951 Refugee Convention and the countries mentioned which have ratified the convention have low acceptance for refugees in their territories (Kneebone, 2019). Generally, the sub-continental region has remained outside the universal/international instruments of refugee protection regime but that does not mean the states in the region have not been involved in granting asylum. Thailand in particular, has been prominent in receiving large scale in the last 40 or so years (McConnachie, 2014: 2). Additionally, despite not being a state party to either the Refugee Convention or the Convention of Statelessness, Bangladesh has been recognised as one the key host countries receiving the Rohingya refugees from Myanmar. Bangladesh's constitution grants basic rights to incoming refugees for survival, despite hesitation on several other fronts of protection (Vijaykumar, 2001: 9). However, Cheung (2011) argues that Bangladesh does not recognise refugees because of the lack of a legal framework, as it manages asylum seekers and refugee movement on an ad-hoc basis and reliant on domestic sentiments and capacity and regional geo-political pressures.

Regional concerns remain focused on controlling irregular migration flows rather than supplementing them with humanitarian relief or assistance. The given approaches to asylum have not had any prior legal obligations thus there is an invisibility of a continental framework of intervention on refugee crises. Rather we find that the region's primary methods of addressing forced migration have been based on obliging to the demands of sovereignty, economic alliances, and mutual respect for border protection instead of human rights standards (Davies, 2008: Hedmann, 2009). Furthermore, there is no binding document that is equivalent to the 1951 Refugee

[46] However the 'rejection' of international refugee law presents a dilemma as Asia has gained significant attention in confrontational responses to migration predicaments and situations (Kneebone, 2019).

Convention[47] or the Organization of African Unity's (OAU) regional convention[48]. This reduces the inter-regional urgency to adequately notify the gaps in coming up with alternative mechanisms that could act as protective interventions (McConnachie, 2014: 3). As a consequence, there is a vague cooperative strategy at the regional or collective continent level, which boils down to ultimately losing workings of intra-regional protocols and bi-lateral agreements. With no known or recorded reason vocalised for the refusal to accede to the 1951 Refugee Convention or 1967 Protocol on the Status of Refugees, there are no official documents which also specify the root behind their reluctance (Vijayakumar, 2001: 6-7).

Whilst this international legal body of rules and regulations is present, movement of people within states, be it refugees or migrants falls under the context of sovereignty of states (Goodwin-Gill, 2012). More so, the existing international legal frameworks remain important for external intervention, when need be, in the case of severe contravention, but state involvement through domestic jurisdiction allows prima facie entitlement over the allowance of entry and return. Under state jurisdiction, the validity of citizenship and recognition also remain visible despite an international framework. What comes with the sovereignty of the state is their compliance to practise within and according to the law, and they would be liable if in breach of international obligations when it comes to extra-territorial matters (Goodwin-Gill, 2012).

Apart from the global north driven narrative of revisiting conceptions of 'asylum' and 'refugee' status that have determined legitimacy over these considerations, international refugee law has been critiqued for its distant perspective from on-the-ground realities of refugees and asylum seekers. The dominant scholarship on international refugee law has leaned towards a traditionalist

[47] Article 1(A)(2) of the 1951 Refugee Convention conceived by the United Nations High Commission for Refugees (UNHCR) considers the term 'refugee' shall apply to any person: *''* owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. *''* (UNHCR, 1951: 14).

[48] Organization of African Unity's (OAU) 1969 Refugee Convention adopts the same definition the 1951 Refugee Convention conceptualised. Additionally, OAU Refugee Convention also states; ''The term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality'' (OAU, 1969: 2).

approach that depoliticises the discourse on refugee protection, which means much less engagement with the outside domain of legal workings (Chimni, 1998: 353). Post-Cold War, the paradigm of international refugee law has been increasingly problematised and questioned, to pinpoint its Euro-centric demeanour of mandate.

Refugee voices and agency are integral in interpreting the needs and gaps in the international regime in terms of protection and support. This becomes apparent when the issue of viable intervention is placed within the gaps of mechanisms to address refugee problems. Meaningful participation by survivors in mechanisms modelled for justice is one of the effective ways in which justice can be garnered and internalised because the avenues approached are inclusive of survivors, responding to their treatment and abuses (Sengupta, 2021: 70). Locating survivors' interests, needs and stories is at the heart of campaigning for international justice. It is actually an effective manner which contributes to efforts of local community leadership growth.

There is a conscious construction of how refugeehood is perceived in the aftermath of displacement that is rooted in the realities of persecution and active 'othering' of communities that are under threat of human rights abuses. This othering is not only the result of displacement but also forms a cause of violence initially (Pacitto & Qasmiyeh, 2013: 8). The decisiveness in what is attributed to acknowledging a victim of violence and displacement has to be first determined by how the representation of such a crisis is suitable enough to intervene in (Agier, 2010: 29). The western hegemony of discourse and knowledge production which has also been defined primarily by colonial politics, enables narratives of disempowerment to be the recurring requisite for humanitarian attention. This further establishes the boundaries of subjectivity in the relationship between refugees who may be survivors of persecution, and the wider community (Godin & Dona, 2016: 62). Depicting refugees, asylum seekers, and forced migrants as products of war, divisive policies, and marginalisation, misrepresents them and hyper-victimises them further into subjugation. Their history of being othered is then interpreted as a tool to disfigure them into being a 'mute and faceless physical mass' (Rajaram, 2002: 247).

The roots of displacement and racially motivated political violence usually infer that cohesively othering the targeted communities would de-legitimise their bodies and what has been perceived as 'foreign', 'illegal' or 'alien' identities would now be applicable in spaces of exile, displacement,

asylum, as well as in host countries. These labels can be attributed to the phenomena of further social marginalisation, proliferating their loss of individualism (Malkki,1997). This perpetuates the discriminatory attitude which already exists in the vacuum of authentic and diverse portrayal of refugees, disabling their experiences to suit a silenced hegemonic narrative of singularity. Malkki (1997) reinforces the standpoint that detaching refugees from their contextual backgrounds and providing abstract depictions of their predicaments away from their political, social and cultural fora iterates their invisibility.

The experience of forced migration has been one that has seen the rigmarole of deep-seated victimhood and otherness through legacies of violence and marginalisation. There has been consistent representation of refugees, asylum seekers, and displaced survivors, which mirror their experiences of pain and trauma, overarching injustices they have faced (Parzer, 2021: 2460). The narrative of migration itself carries a socio-cultural visualisation that is at the core of narrating the refugees and migrants' experiences accurately. The persistent use of the term refugee serves as proof to refugees' portrayal as the hegemonic description of their victimhood (Rajaram, 2002: 251).[49] Therefore it is important to problematise the predominant mapping of what constitutes the 'refugee experience', which has been usually toned to regurgitate passivity and neediness.

While the term 'refugee voices' has been adopted to identify the collective memories and experiences of loss, disfiguration, violence and trauma, it also situates the positionality of displaced people under a homogenous label which denotes vulnerability and voicelessness (Godin & Dona, 2016: 61). The generic metaphor of forced migration has been burdened by sustaining imagery of individual trauma in the backdrop of collective suffering. The constant association of vulnerability and immobility as the plight of conflict survivors who assume the role of refugees in their host countries serves as a reminder of how the phenomenon of displacement is a reflection of the loss of agency (Godin & Dona, 2016: 61).

[49] The entrenched institutional attitude towards responding to refugees' rests on a model of humanitarianism that homogenises their lived experiences. Therefore, refugeehood and the general air of displacement is stationed to be of disempowerment and disfranchisement, usually detached from the deeper roots of their predicament.

2.4 Rethinking Transitional Justice

Formal justice mechanisms such as international criminal law or legally binding institutional retribution was initially thought of as a guarantee of justice delivery (Bowd, 2009: 1).[50] Retributive justice advocates for central roles in the broader scheme of justice; punishment and deterrence that both work as symbolic and functional tools in transitioning societies emerging or recovering from violence (Balasco, 2013: 210). Punishment of violations sets a standard of human protection in states that are undergoing rapid transitions. The immediate protection of victims of war crimes and human rights atrocities includes prosecution and the arrest of heads of states and/or any other persons involved in implementing intent of violence (Balasco, 2013: 210-211).[51]

Transparent criminal proceedings and prosecution can only remain effective in an environment that is not affected by prolonged conflict and tension. In most societies where TJ is applied that may not always be the case. Of course, at the end of retributive justice paths, ending impunity is the principal take away from the process. However, not all transitioning societies are not conducive to the practice in its entirety (Bowd, 2009: 2). Legal systems rarely operate successfully in non-democratic societies where domestic judicial rights and responsibilities are limited. Mechanisms for criminal justice can be operational if domestic judicial systems are intact and functional enough to let proceedings take place. The new millennium is associated with the normalisation and development of TJ into other models (Teitel, 2003: 90).

Retributive approaches are technical binaries between victim and perpetrator, and who is recognised under legal frameworks. Restorative justice is understood by empowering the entire process of justice, being a holistic undertaking of moral, social, economic and cultural rights (Zehr, 2003: 33-34). Whilst both approaches seek to recuperate from social impairments and injury through sustained offence, they need not be mutually exclusive, but a complementary attitude to uphold both, the rule of law and restoration of fractured relations could rebuild a society in

[50] The first phase of transitional justice was located under the premise of international law and implemented with the Nuremberg Trials in 1945, after World War II, synonymous with historic symbolism. Although the Nuremberg Trials did result in a victor's justice (the trials were allied run), the key goal at the time after the years of World War II was to advocate for an internationalist realm that also assisted the rule of law to implicate criminal justice and accountability. This development did not endure for long as the unusual political circumstances as Germany's decreasing sovereignty proved to be foundational for international nation-building (Teitel, 2003: 71).

[51] Retributive justice must serve to uphold the rule of law and criminalise crimes against humanity formally, under which punishment is the main aim. Holding

transition from repression (Jawad, 2019: 14). In such instances, gaps in social justice must be realised through innovative and communicative mediums serving the purpose of addressing marginalisation.

Mani (2005) employs the three-model paradigm of justice: namely retributive, distributive and restorative. These are considered to be ideal and available options of redress - of course relational to context specific implementation and context. The most traditional form of transitional justice is rooted in criminal trials because of the popular assumption that it strengthens a structure of accountability and deterrence. However, judicial emphasis does not always ensure processes for peace and reconciliation; punishment is desirable for accountability but does not expand to the aftermath of it (Gissel, 2015: 431).[52] Of course, retributive justice is important to activate so that impunity is not practised. However, employing other frameworks of justice will address the conditions under which the different acts of violations and oppression occur (Gissel, 2015). Formalisation of criminal trials maintains legal decorum. However, individualising guilt to perpetrators rarely reflects or accounts for the detailed experiences of the victims. As previously said in the international legalism realm, access to justice may not even be feasible for the politically restrictive nature of institutions.[53]

Thus, it becomes apparent that other forms of justice in the restorative genre may make up the gap of meeting the needs of survivors and victims. The restorative realm places emphasis on truth-telling, remedial methodologies on the root causes of socio-political violence, figuring out recognition and dignifying victims to personify their struggles and lived experiences (Hayner, 2002: 24). The framework and perception of justice in such methodologies such as truth commissions, storytelling, traditional/customary rituals, and community-led processes indulge in grassroots engagement with the centrality of victims' experience. Recognition and dignity become symbolic instruments of justice in such methods which welcome a culture of retrospection and visibility (Hayner, 2002: 24).[54]

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[52] While ICC interventions form an extensive debate on the insights of conflict resolution within countries that continue to experience conflict sporadically, some opponents argue that more pragmatic solutions must be sought after to have a grassroots level initiative of peace making (Gissel, 2015: 431).

[53] Post-conflict governance initiatives must also contribute to distributing political, economic, social and cultural power to promote the sustenance of reconciliation and delivery of context specific transitional justice.

[54] The purpose of justice is not solely punishment but to instil a space of stakeholder involvement to redeem the opportunity for peace, restoration and a culture of accountability and dialogue (Jawad, 2019: 11).

2.5 Memory as a Mechanism of Justice

2.5.1 A Look at Memory

Antze and Lambek also note that the roots of memory lie in the fields of psychology but have evolved to inform a range of disciplines including anthropology, history, health sciences and political science (1996). However, Jelin (2003: 56) distinguishes the discourse between memory and history by stating that memory is not identical or similar to history. Through Jelin's understanding, the relationship between memory and history can be underpinned as one of interactive and collaborative, as Jelin states that "Memory is a crucial source to history, and this includes particularly the distortions, displacements and negations that characterise it…" (2003: 56).

Hawlbachs (1992) also demystified the isolation of memory-making by connoting the construction of memories of both collective and individual memory as a social practice enabled in a cultural context.[55] Memories remain significant in recalling lived experiences of violence, conflict and oppression. Survivors carry with them the trauma of these happenings and are forced to reckon with them when the consequences linger on (Abrams, 2010: 85). Similarly, memories that are referred to in realms of conflict and victimhood hold power as sources of reality and re-enactments of the past. Although memories are not touted to be always factual, their interpretation of the past is what holds gravity to the individual and collective meanings further producing interpretations (Ndlovu, 2019: 133).

As Anderson (1991) puts it, "Collective memory and the institutions and practices that support it help to create, sustain and reproduce the "imagined communities" which individuals identify with and that give them a sense of history, place, and belonging. Employing memory in the context of transitional justice as a tool has grown as survivors have found solace in their memories as a pathway to healing and affirmation. More so, memory has evolved as a diverse canon that dissects the intersections of trauma, cultural representation, social history, and subjectivity (Traverso & Broderick, 2010: 4). Recognising memory as an important part of addressing violence and its

[55] Jan Assman (2008) differentiated the types of memory (communicative that are useful in constructing narratives on the past, in both individual and collective contexts. The distinction between communicative and cultural memory is that cultural memory is distant from everyday memory.

implications on victims and survivors alike, reliving memories manifests differently and affects individuals in versatile ways. That is what constitutes the mark of memory work; to demonstrate the complexities of trauma, pain, loss, and grief, amongst many feelings (Naidu-Silverman, 2014: 3).

The efforts of prosecution of perpetrators who commit crimes against humanity during the periods of war or internal conflict add up to secure justice in the post-conflict society (Levy & Williams, 2020: 454). Trained documenting professionals and civil society actors work to document these human rights violations in a way that preserves and exhibits evidence in future prospects of accountability. The collection of material sources that include archival ability, testimonies and physical remains incorporates strength into presenting a narrative that retains survivors' involvement in documentation (ISCS, 2018: 28). Evidence compilation can be curated in an interpretive manner that would maintain the integrity of the survivors, commit to authenticity and visualisation for the recorded material's ability to raise public awareness and recognition. Through documentation, survivors' truths are recorded - a cohesive way that is responsive to the silences they have suffered during the crimes committed to them.

The objective of documentation procedures must inform the technique and methods appropriate in the collection, illustration, and archiving. More so, when documentation in the form of material evidence (testimonies, statements and archives, etc.) has a symbolic effect as well as evidential presence, it must have the quality to centralise survivors' truths to be culturally interpretative in sites of memory (ISCS, 2018: 28-29). Victims and survivors' demand for justice through recognition and answers has influenced the evolution of documentation standards for evidence preservation through a range of displays. The material collected by the documenters and local agents have included photographs, videos, and witness testimonies (Levy & Williams, 2020: 455). Documentation efforts must also observe protocol to sustainably preserve evidence for both, judicial and symbolic representation, and interpretation.

Expanding on the formats of documentation presentation has integrated into other innovative mediums which are survivor accessible and inclusive, such as art, music and creative forms of testimonials and storytelling (Baines & Stewart, 2011: 246). The emphasis on survivors' stories and memories, in the particularity of persecution and displacement now has particular resonance

in human rights motivations for preserving evidence for accountability and reparative purposes. Witness and survivor testimonies as tools of storytelling are at the core of documentation for historical records but also for healing and recognition. Public admission of past injustices and trauma through more macro-level initiatives such as truth commissions can reaffirm the stigmatised nature of victimhood, which draws in hesitation from participants and survivors (Doughtery, 2004: 48-49). By locating organic and informal spaces that do not publicise survivors' trauma in ways that would undermine the severity of their experiences, it renegotiates the restorative properties of storytelling which focuses on not just providing historical evidence but personalised their own partake in truth-seeking (Baines & Stewart, 2011: 246).

Establishing historical record not only is significant for the individual value of survivors' knowing the truth about the injustices they have faced but bringing about a collective understanding of the documented past would inform a societal perspective (Levy & Williams, 2020: 458). Individual accounts of atrocities and abuses also resurface as truths survivors have lived through, elevating the narrative to being one of those that perpetuates repair and peace. The demand for accountability has remained prominent with different groups of survivors from post-conflict societies[56] and survivors and victims have a right to be acknowledged through mechanisms of reparative and reconstructive justice, along with retribution. Documentation plays a key role in facilitating such modes of justice delivery and seeking other forms of accountability by centering the voices of survivors (Levy & Williams, 2020: 460).

And with the expansion of interest into documentation being a driver of representation and testimonial evidence, the methodologies of documentation in restrictive and difficult environments are challenging but paving the way for more innovative mechanisms and increasing civil society assistance. Over the last thirty years the task of documentation undertaken by international civil society organisations and networks has undergone shades of revision and innovation (Leyh, 2017: 46). The original principles of documentation still rest in fact-finding, recording, and preserving serious human rights crimes for the purpose of inviting greater intervention and accountability for

[56] For example, respondents from post-conflict surveys conducted in Northern Uganda (70%), the Democratic Republic of Congo (85%) and Central African Republic (98%) stated their belief of holding their perpetrators accountable (Vinck & Pham, 2010).

the atrocities committed. The coverage of collected evidence can now experience technological advancement and digital access (Leyh, 2017: 46).

The presence of memory in post-conflict communities and situations is vital to conceptualise in the field of transitional justice. Thus, working on memory as an interpretation of the past whether it is collective or individual, memorialisation depicts the process in which remembrance is articulated and represented (Hamber et al, 2010: 398). Out of many methods targeted to redress communities in need of transitional justice, memorialisation as part of putting memory to action can involve larger numbers of people including communities, states and civil society. The International Centre for Transitional Justice (ICTJ) has iterated the importance of memory initiatives as an essential portal to truth seeking and justice. Memory work can be implemented across a spectrum of available outlets, including innovative initiatives of documentation projects such as arts-based, theatre, film and musical, truth inquiries, and civil society-led platforms (ICTJ, 2022).

2.5.2 Communicating Memory, Trauma and Resilience

Memory is an important reference to how people construct a sense of the past in their positionality, connecting them to remembrance in the present (Brown, 2013). Past experiences may be sourced from a collective base of knowledge or narrative, or they could be personally felt during the given period. Expressing these memories in a socio-cultural manner that is interpretative and meaningful as an interface that is symbolic and material. As Olick and Robbins (1998) refer to collective memory as being the processes by which communities work in order to socially transmit narratives regarding themselves across time.

The politics of memory represents an intense type of social memory-making, one that shifts the boundaries of social and political inclusion and exclusion (Barahona de Brito, 2001). Remembrance, be it collective or individual, has a layered understanding of meaning and outcome to societies. The communication of memories and the narratives that emerge from the past can aid in pursuing awareness. With these processes, they mark new social and political continuities and discontinuities where victims' voices are recognised, and repression is called out. Therefore, the politics of memory includes the processes where societies continue to engage with the past. More so reparations in the form of recognising past human rights injustices through symbolic

expressions and admission of systematic discrimination are important (Marin, 2006: 35). Memorialisation relies on documented evidence as a legitimate and unbiased intervention to appropriately honour and include survivors (Naidu, 2017: 11). Documenting complex atrocities also needs to employ multidisciplinary methods to interpret and direct justice mechanisms which is where memorialisation acts as a holistic intervention that is oriented to dignify survivors whilst remembering pain and trauma for accountability.[57] However, it is also difficult to pin down on the consistency of collective memory in post-conflict societies as they sought to represent shared perspectives of the past and communal realities. In societies and settings where violence, oppression and tensions have fractured communities and ignited intercommunal dynamics, there are multiple truths and versions presented to maintain the status quo of a political climate (Lundy, 2011: 90).

Memorialisation can be understood as a process beyond being fixated on monuments or memorials as the physical offering. Memory work can be organic, temporary and community-led through projects that are commemorative but not limited to apologies, reburials and renaming of public sites and performative processes at the places of atrocities (Naidu, 2017: 12). The role of documentation in gathering evidence through verbalising memories through testimony is regenerative of a culture of a human rights centric framework of zoning into survivor voices as guidance for further steps in transitional justice (Baumgartner et al, 2016: 1-2). Practitioners and scholars have emphasised that by deliberating and consulting with survivors in preserving their memories and stories, they are in fact driving procedures to pursue other avenues that steer their narratives into public spaces (Baumgartner et al, 2016: 2).

Increasingly, memorialisation has moved away from the physicality being a requirement to ownership and organic (Naidu, 2017: 33). Working to construct memory initiatives for evolving dynamics everyday must pay attention to the detailed needs and changes communities respond to.[58] Documenting memories, stories and oral histories[59] from survivors is a process of recognition

[57] Memory is also an approach in democratising a mentality of deterrence and commemoration that also seeks to educate and remind the wider communities of the consequences of conflict.

[58] Memorialisation as a form of documentation is also a pragmatic approach in facilitating spaces for interrogation and reflection based on the archives of evidence. Memory action seeks to unearth remembrance and narratives that exist outside of public knowledge or are otherwise silenced to subdue people.

[59] Portelli (1991) theorises that the methodology of oral history is different from written sources of memory as it seeks to verbalise emotion and break down the hegemony of documentation. It evokes fluidity and emotive narration that is both audible and perceptible.

that is integral in delivering dignity with the complexity with which lived realities are assorted. Memorialisation becomes an eminent part of documentation while memory initiatives cement documented evidence into the public domain through an array of creative resources and modes, including art, visual depiction, and literary interpretation (Bojanic & Kalemaj, 2021: 279). Art is a healing reconstructive methodology of addressing memories and storytelling. The dissemination of memory through artistic mediums is a reconciliatory remedy to politicised situations which result in extreme violence inflicted to communities. Choosing community-led initiatives of memory construction separates the process from state-led intervention and envisioning creativity is holistic (Bojanic & Kalemaj, 2021: 276).[60]

The presence of memory in post-conflict communities and situations is vital to interpret. It should be noted that, in working on memory as an interpretation of the past, whether it is collective or individual, memorialisation depicts the process in which remembrance is articulated and represented (Hamber et al, 2010: 398). Out of many methods targeted to redress communities in need of transitional justice, memorialisation as part of putting memory to action can involve larger numbers of people including communities, states, and civil society. The International Centre for Transitional Justice (ICTJ) has reiterated the importance of memory initiatives as an essential portal to truth seeking and justice. Memory work can be implemented across a spectrum of available outlets, including innovative initiatives of documentation projects such as arts-based, theatre, film and musical, truth inquiries and civil society-led platforms (ICTJ, 2022).

Past experiences may be sourced from a collective base of knowledge or narrative, or they could be personally felt during the given period. Either way, expressing these memories in a socio-cultural manner that is interpretative and meaningful is an interface that is symbolic and material (Frieder, 2020). There is always a delicate balance of handling trauma, forgetting and remembering, taking into consideration that survivors and victims are affected by a number of legal, political and social factors that determine the landscape in which they are able to construct these memories An important factor to consider when discussing memory narratives is the public domain in which it is preserved and read (Schudson, 1995: 359). Institutions, state and non-state

[60] These initiatives can be facilitated by some civil society organisations, in collaboration or partnered with a shared mission to fulfil. Such facilitations are key to mirroring survivors' interest and participation in the activity of preserving and storytelling.

actors, educational facilities, media and museums are some of the common examples that transmit memory in the societal context.

When violence in any form ensues, a society's foundational values need to be restated and reworked so that the root causes of the breakdown are noted (Barahano de Brito, 2010: 364). Memory is also an approach in democratising a mentality of deterrence and commemoration that also seeks to educate and remind the wider communities of the consequences of conflict. Memorialisation heavily relies on documented evidence as a legitimate and unbiased intervention to appropriately honour and include survivors (Naidu, 2017: 11). Hence, we can identify that various memories live in the boundaries of a society. Different and various memories can coexist in a single society (Barahona de Brito, 2010: 361-362). Memories and their retelling in different forms of interpretation are important in reclamation and representation. Configuring refugee and survivor voices must authentically portray the complexities their realities reflect.

Memorialisation can be understood as a process more than fixating on monumental or memorials as the physical offering.[61] Memory work can be organic, temporary and community-led in projects that are commemorative but not limited to apologies, reburials and renaming of public sites and performative processes at the places of atrocities (Naidu, 2017: 12). The role of documentation[62] in gathering evidence through verbalising memories through testimony is regenerative of a culture of a human rights centric framework of zoning into survivor voices as guidance for further steps in transitional justice (Baumgartner et al, 2016: 1-2). Practitioners and scholars have emphasised that by deliberating and consulting survivors in preserving their memories and stories they are in fact driving procedure to pursue other avenues that steer their narratives into public spaces (Baumgartner et al, 2016: 2).

Memorialisation moves beyond buildings and sites. It is a process in which reconciliation and reinvention is a priority to work towards, keeping in mind the community in question. The objectives of memorialisation rest in the context specific, peacebuilding methodology suitable to

[61] Documenting complex atrocities also need to employ multidisciplinary methods to interpret and direct justice mechanisms which is where memorialization acts as a holistic intervention that is oriented to dignify survivors whilst remembering pain and trauma for accountability.

[62] Historic evidence of discrimination and oppression is instrumental in resurfacing the foundation of the conflict in many ways where reconstruction and restoration is the long-term goal of achieving a level of justice (Miller, 2021).

undertake. Importantly, memorialisation can act as a mechanism for documenting human rights abuses that can have a wider reach to the public sphere but also incorporate truth-telling (Naidu, 2017: 13). The interdisciplinary connection between transitional justice practices and memory goes deeper into seeking truth, evidence, and conserving recollections of past violence to pave the way forward in finding solutions (Clark, 2021: 695). When there are cases where there is severe ongoing violence memory and public narratives can be politicised and manipulated by offenders and repressive regimes alike.

The key ambition within the context of transitional justice's relationship with memory is not only to localise memory initiatives for ownership and access but to normalise it as a method of addressing past and contemporary issues of inequality, violence, and conflict, whilst negotiating its symbolic value in resistance (Clark, 2021: 701). When marginalised persons and groups steer their memories into spaces that empower their agencies and appreciate their efforts for the future, their realities are highlighted and preserved tangibly for the larger trajectory of documentation and pursuing justice. Furthermore, David Rieff (2016) denotes the significance of recollections of the past and commemorative approaches to memories, if societies face existential threats. Visibility and awareness that is rooted in commemorative processes and memorialisation is said to be an evolving, transformative space for recognition, reconciliation and representation (Hamber, 2006: 567).

Anderson (1983) constructed a novel perspective on nationalism, more to endorse the ideals of cultural and social identities determining the arrangement of nationalistic sentiments. Chatterjee's (1991) critique responds to Anderson's construct of nationalism as being part of the western thought process that does not place the complexity of the colonial effect on subalterns in multi-ethnic and diverse environments in postcolonial regimes. Nations that were constructed under a post-colonial radar have to adapt to an imperial gaze of nationhood. However, the most appealing element to Anderson's understanding of nationalism is a political culture more than a theoretical undertaking of nation building (Anderson, 2006: 21). Importantly, Anderson pointed out that print capitalism is an asset to producing a common discourse that brings together groups of people that share languages and/or dialects (Anderson, 1983: 56). Furthermore, Anderson argued that the conception of nationalism lies in shared identity and fraternity, carving out a foundation in which

this imagination of a community could solidify (Calhoun, 2016: 12-13). More so, under print capitalism, vernacular discourse, language dialectics, and dynamics, as well as the development of the written word, grew to favour the manifestation of a community (Calhoun, 2016: 12).[63] By bringing up print capitalism as an asset to proliferate this comradeship, Anderson (1983) adds that there is a practice to set aside workable skills such as communication to accelerate the formation of this community.[64]

Bringing in the notion of citizenship ties back to the practice of imagined communities. Expanding on the multifaceted possibilities of imagined communities, the entry point of citizenship is important to take into consideration as it forms a relationship in the space of national identity (Clarke et al, 2014: 108). Importantly, Anderson (1983: 6) did assert that there is no binary distinction of 'imagined communities' but communities should be distinguished in the manner they are imagined. The idea of a community can be further expanded away from the political centrefold and imagined to be a space of collective experiences (Bourdeau & Flipo, 2011: 87). Generationally, the understanding of nationalism has usually focused on its influence in determining individual and collective identities (Bourdeau & Flipo, 2011). Yet the common perception that national identity is in fact a product and part of nationalism and a nationalistic ideology. There is a normalisation of the idea that nationalism formulates an intrinsic part of personal identity, being a defining element in one's personal alignment.[65]

Hence, communities can also be defined as "forms of collective experience in which individuals with plural identities and ways to agree and end up, maybe, forging something like a common identity, without this aspect being a principal and priority goal" (Bourdeau & Flipo, 2011: 87). This added definition is necessary to contextualise, as it somewhat de-politicised the earlier conception of 'imagined communities' and brings into perspective that all forms of social life and

[63] More critically, Chatterjee (1993) points out that this principle of nation-building and formation is what was available by Euro-centric scholars to denote and oversimplify the domains of complexities and co-existence of multiple identities. Fundamentally, nation-building processes in Africa and Asia, themselves early products of colonisation, differ from the realms of Euro-centric modernity (Chatterjee, 1993: 5).

[64] This was how the first nation-states in Europe formed, on the basis of linguistic familiarity and similarity which further solidified their interests in groupings. Hence, nationalism and identity has roots to material conditions that reflect the imagining of different human beings in the spectrum of the same community and recognize that polity distinctively.

[65] Kaviraj's (1991 & 2014) understanding of collective identity being a driving force to imagined communities is key in underpinning that despite nationalism and state formation may share similarities, they both have coherently different approaches to identity.

spaces can contribute to the imagination of a sense of belonging and building towards an identity (Clarke et al, 2014: 110).[66] But this has not necessarily been the case historically, as the notion of a 'basic nationality' has conceptually evolved for centuries (Batchelor, 1998: 156). Certain significant international law ratifications such as the 1930 Hague Convention, 1961 Convention on the Reduction of Statelessness and the 1997 European Convention on Nationality have reiterated the jurisprudence involving the right to nationality, including it within state practice and realm. In effect, the right to a nationality is defined as a human right and in a sense has become the foundation on which issues pertaining to loss, acquisition, travel, and citizenship rest on by principle (Batchelor, 1998: 159).[67]

The ideation of 'Imagined Community' to the politics of identity and spatial reconfiguration in the postcolonial world, Kaviraj (2014) attests that the nature of identities (both personal and collective) is formed through a number of socio-cultural processes that reinstate their temporality. The connection between identities and nationalism is key to understanding why there needn't be a homogenous understanding of nation building itself. Additionally, norm setting is initiated to differentiate other dialectics, dynamics and groupings. This enables further solidification of community identity. But there is a pressing need to prove the existence of multiple different narratives at hand to avoid the monopoly of a singular discourse.

2.6 Sub-conclusion

As described earlier, the process of memorialisation involves symbolic reparation and involves much more than a nature of physicality or tangibility; it constitutes more of a transformative mentality that seeks to envision restoration, interrogation and discourse. Memory making thus becomes a complex and continual process and cannot emphasise on monumental presence but more on the symbolism and reparative quality of it. Utilising memory for catharsis, storytelling and survivor-led activism forms an important part of mechanisms of justice in post-conflict settings that involve complex dynamics.

[66] Whether these communities are imaginary or real, objectively using identity as the basis to recognize difference forms the notion of consolidating a grouping. Nationalism uses this idealisation of community into a procedure of regaining a path of identity (Kaviraj, 1991: 21).

[67] This sheds light on the politics of access, judicial acknowledgment and benefits afforded by an individual from the state.

Chapter 3: Resisting the 'Other': Creating a space for the 'Rohingya Identity'

3.1 Introduction

This chapter focuses on the mediums of expression that were utilised by the Rohingya community in exile to communicate their memories, identity and cultural heritage. Employing techniques involving art, education and memory making in community-led spaces harnesses the humanising quality of resilience and agency within spaces of exile. Such projects and initiatives are informative of the past, indicative of the present and leave room for optimism and resilience for the future.

3.2 Exhibitions of Resilience

Figure 1: Sample of Quilts Made

(Sourced from Pia Conradsen, Asia Justice and Rights,[68] 2020)

3.2.1 The Quilt of Memory and Hope

The *Quilt of Memory and Hope* was conceived by the Global Initiative of Justice, Truth and Reconciliation (GIJTR) and Asia Justice and Rights Group (AJAR) in 2019.[69] Given that the effects of conflict and systematic violence are gendered and have disproportionate long-term

[68] See more: https://asia-ajar.medium.com/rohingya-women-remind-the-world-of-their-rights-3dc6084fd4c0

[69] The International Coalition of the Sites of Conscience (more commonly known as the 'Coalition') is a transnational organization that places key evocation through memory action as a form of recognition and prevention of erasure of the past. GIJTR falls under one of the operations of the Coalition.

effects on women, girls and children, GIJTR prioritised responding to women's needs to be heard and their voices taken into account. It was necessary to give these Rohingya women a safe space to learn and talk about experiences and exchange valuable stories to illustrate their struggles and narratives. This becomes a central theme in GIJTR's transitional justice goals[70] - gender responsiveness[71] and representation. By Rohingya women becoming agents of 'everyday justice', their presence in localised mechanisms that seek to strengthen spaces where they can be leaders and communicators on a daily basis is endorsed (ICSC, 2020).

The importance of community-led solidarity and leadership as a way to respond to atrocities and gender inequality is signified by the commitment of the Rohingya women survivors to voice their feelings and stories to be heard further.[72] 'Everyday justice' is a pragmatic form of reiterating that ordinary justice ought to be part of the transitional justice framework (Posner & Vermeule, 2004). This lends to the key debate around women's agency in private spaces as part of their actions to reclamation and resistance (Sameen, 2021). Majhis[73] who are elected to assume the role of leaders representing different campsite settlements usually take charge in communication and organisation. Under their leadership, there is enforcement of restrictive gender norms which limits Rohingya women in being as equally participative as the men.

In May 2020, the *Quilt of Memory and Hope* which was undertaken by around 120 women survivors and supervised by GIJTR and AJAR was exhibited online through the Liberation War Museum (LWM)[74] on a permanent basis (AJAR, 2021).[75] The individual stories are visually displayed on connected panels and the three quilts mirror the survivors' stories under one

[70] There is no one-size-fits-all approach to transitional justice. At GIJTR, we partner with communities, calibrating our approach to their unique needs - be that documentation, capacity-building, psycho-social support or advocacy.' (GIJTR, 2014)

[71] With also records of domestic and gender-based violence heightening within the COVID-19 lockdown period (IRC, 2021). It was imperative that women's daily realities were not lost and in fact brought forward after many of the survivors regretted that there was no access to legal redress for the abuse and harm they and their children faced (IOM, 2021).

[72] Partners, members and frequent collaborators come from diverse settings and a wide array of conditions, from functional democracies with legacies of violence and to struggling post-conflict societies beginning to identify their needs of transitional justice in the realm of the Coalition's work.

[73] A community leader; plays an important role in informal leadership organisation and cultivating socio-cultural and religious surveillance in campsites. Majhis are usually Rohingya men.

[74] The Liberation War Museum (LWM) was established in 1996 as a site dedicated to the remembrance of the Bengali struggle for independence and the emergence of Bangladesh as a democratic country post the 1971 liberation war (Hamber et al, 2010: 409).

[75] ''Since March 2019, Asia Justice and Rights (AJAR) and the Liberation War Museum (LWM) of Bangladesh have been conducting participatory action research with more than 80 women in the Rohingya Refugee Camps in Cox's Bazaar.'' (AJAR, 2022).

collective voice (AJAR, 2021). Creating these panels was an effort for the Rohingya women survivors to illustrate their stories, experiences and hopes for justice through embroidery- a skill they enjoy. This process began as a way to share stories and encourage healing through peer support and solidarity. Preserving their quilts as part of their tools of storytelling through digitising them permanently makes them accessible and available to the public at large, which contributes to raising awareness and increasing their presence on an international platform.[76]

By using embroidery as their medium of sharing stories and memories, their artistic output was part of the larger process of centering Rohingya women, woven with their panels as they participated in documenting their realities (AJAR, 2022). AJAR and LWM[77] designed this project as a participatory tool that relates to the reality and rhythm of life in the camps (AJAR, 2022). This prompts an accessible feature in the daily lives of Rohingya women who reside in the camps, so these quilts not only reflect on their past experiences but present a chance to gauge their present and hope for the future. Sewing and embroidery being a common pastime for Rohingya women embodies their readiness to transform their recreational activity as a method of creation and healing. Creating these panels demonstrated a unique methodology of addressing past injustices that Rohingya women have suffered when there has been a vacuum of acknowledgement from Myanmar and now living in Cox's Bazar, they have a pathway to expressing their stories. The quilts are also a symbolic offering to looking forward while looking behind - an innovative manner in which we balance the past but optimistic about the future.

Embroidery has seen a pivotal shift as an exhibition and demonstration apparatus. Its utility as a mechanism for storytelling has been further deconstructed in the first decade of the twenty-first century as not only a creative pathway to advocacy but an instrument of agency and narration. The art of sewing is however not a new phenomenon. It has been present centuries before in the form of textile artistry and crafts. However its adaptation to interpreting survivors' stories and utilisation in initiatives of justice can be found in its popularity amongst different groups of women of all ages who experience disempowerment, displacement and marginalisation (UNICEF, 2019). Due

[76] What remained clear as well is that participants were eager and willing to share their experiences to the wider community, sharing the desire to be recognized and empowering themselves to take part in justice.

[77] LWM also is an important agent of judicial advocacy through their efforts of documentation and preservation of Rohingya survivors. As a site of memory, LWM has extended their obligations to grounding their work as a foundation for initiating judicial advocacy. This is an inventive method to illustrate memorialization as evidence, meeting the purpose of documentation.

to its expansive legacy of being a common household activity and one that has had a strong gendered association of positivity and personal significance, embroidery has become a site of storytelling and discourse to unpack lived experiences.[78]

Fultola[79] is the art of embroidery rooted from rural Arakan. Fultola is affiliated with IOM and RCMC features the embroidered designs made by Rohingya women and made available in an online booklet.[80] This was one of the notable efforts of navigating community based commemorative methods through digitising their stitching designs which expose their creative skills and denote their motifs to illustrate the act of preserving the intergenerational symbolism embroidery has held for Rohingya women (RSD, 2020: 30). Embroidering floral designs reflects a generational tradition for Rohingya women who also passed on their expertise to friends and family. The shift in the attitudes of representation and deconstruction of empowerment and subjectivity have to be credited to the growing decolonial mentality around migration and mobility (Ram, 2022). Embroidery is an important socially acceptable activity enjoyed by Rohingya women, not solely for preserving memories but also as a recreational task that also was an opportunity for income generation (RSD, 2020: 5).

The role of representation for women refugees in the exiled spaces brings forth an essential argument of building inclusive spaces (Nyers, 2006). There is emerging scholarship over how exiled spaces and camp settings become grounds for advocacy, leadership, and resistance (Ansar & Khaled, 2022: 282). Both private and public spaces of exile represent a hierarchy of agency and visibility for women to participate in politics, advocacy, and leadership. When it comes to Rohingya women's involvement in diasporic realms and spatial agencies within exile, they are willing to acknowledge the genocidal experience they endured and assert their distinct Rohingya identity (Ansar & Khaled, 2022: 286). More so, as Kapur (2002: 18) contests the idealisation of victimisation and self-derogatory image of a perennial suffering, civic participation in such grassroots forums also elevates access to dialogue and visibility.

[78] Embroidery has been inducted as a tool of affirmation and exercise of expression, specifically for transmitting strong cultural symbolism that is empowering and therapeutic (Gluck, 2019).

[79] Translated as 'flower making' in the Rohingya language (RSD, 2020).

[80] See the designs: https://rohingyaculturalmemorycentre.iom.int/multimedia/files/pdf/donwload_area/Rohingya_stitching_designs.pdf

The intersection between art, storytelling, and expression reveals a distinct methodology of re-negotiating their 'invisibility', sensing a restorative purpose of symbolism. Whilst the construction of gendered living within the camp sites and exiled spaces makes it harder for Rohingya women to practise any agency (Sameen, 2021: 2-3), many of their testimonies also bore their willingness to use their sewing as empowerment and freedom to navigate their desires in their quilts (RCMC, 2020). Presenting the Rohingya women survivors' narratives brings about the integral role of intersectionality in documentation projects. These camp spaces can also become interactive and educational opportunities[81] for Rohingya women who have faced severe marginalisation, including exclusion from the education system in Myanmar (Ahmed et al, 2020). The intentional provision of space is significant for these previously silenced voices to be mainstream actors to take ownership over their narratives.

Written work in the form of poetry, journal entries, testimonies and anecdotes have become strong modes of expression[82] chosen by the Rohingya community to respond to their lives and suffering. Mayyu Ali is a noted Rohingya poet and writer who has interpreted and documented the Rohingya identity and struggle through written work (Ali, 2022). There is an emphasis to regenerate public awareness and communicate their struggles and fears. Several UNHCR actors and observers noted the emphasis on the Rohingya traditions of songs and poetry as a sign or resistance which shows continuity of cultural heritage and identity (Farzana, 2011: 292).

The loss of identity has been a central worry for the displaced Rohingya community since the absence of citizenship has made them legally invisible.[83] Since the predominant victimisation has been the mainstream narrative and normalised perception of the Rohingya community, such interpretive mediums of recollection and narration restore agency. Having these sources of interpretation and illustration contests the administration of othering - they challenge the dominant exclusionary discourses that lead up to genocidal violence (Vernon, 2021: 29).

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81 "Even though some of us have higher education, we [Rohingya] couldn't get such opportunities compared to others, they discriminated us in every sector. We thought if we reached university level, we could get a job or other opportunities, but the reality was the opposite. An election was held in 2010. We thought the election could solve our previous problems and achieve equality as we faced many restrictions. After the election, the scenario completely changed, they imposed more restrictions than before." (AJAR, 2020).

82 The marriage between trauma and literature is a powerful medium to highlight lived experiences.

83 'I want my people to practise our own culture, our own way, traditional things. I don't want us to totally become Malaysians or western. I want us to be Rohingyas. I want people to know and call us, recognize us as Rohingya.', a Rohingya interviewee in Malaysia from a study with fieldwork (interviews) conducted by O'Brien & Hoffstaedter (2020).

3.2.2 The Rohingya Cultural Memory Centre (RCMC)

The RCMC [84] which was started by the International Organization of Migration (IOM) in 2021 incorporates a multi-disciplinary initiative[85] that touches on a number of different avenues that are credited to value the narratives represented by the Rohingya themselves. Cultural property including mosques, *madrasahs*[86], language, traditions and rituals have been directly targeted by Myanmar state to wipe out (Garcia, 2019). The Rohingya's distinctiveness roots from their intangible cultural legacy. Digitally curating exhibitions of Rohingya memory and culture directs a longevity on the Rohingya identity and heritage, which is important to counter the dominant perception emphasised by the Myanmar authorities. It cultivates an interactive and intuitive space where Rohingya culture, their experiences, their stories, and their artistic expressions promote a tool for healing and symbolise the longevity of the Rohingya community. This cultural memory centre actively involves Rohingya survivors themselves taking ownership over their advocacy and leadership. The RCMC is considered to be the first such centre in the Rohingya refugee camps[87] to document Rohingya heritage, creativity, and culture, through a variety of methods (Sakib, 2021). RCMC is a site that preserves multiple streams of Rohingya identity, culture, work, and livelihoods. The multidisciplinary nature of the RCMC is a medium in publicising private sentiments and memories of Rohingya people, in breaking the silences and marginalisation.

"The centre provides us with a platform to maintain our Rohingya culture and traditions"

(Shahida Win[88], Rohingya Poet and Researcher at RCMC).

The RCMC also offers remuneration to Rohingya artisans involved in its projects, which signifies their attention to providing livelihoods - an essential part of survival as a refugee. Along with the allowance for participants, artisans and contributors to explore their own creativity, experiences and imagination; the medium of art is a discursive Rohingya community can use to express their

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[84] See the RCMC Virtually: https://rohingyaculturalmemorycentre.iom.int/

[85] ''The RCMC project was developed thanks to IOM's ongoing collaboration with the Government of Bangladesh, and the support of the Swedish International Cooperation Agency (SIDA), Canada's Department of Foreign Affairs, Trade and Development (DFATD), the Foreign, Commonwealth and Development Office (FCDO), the Swiss Agency for Development and Cooperation (SDC), and the Ministry of Foreign Affairs of the Netherlands.'', (IOM, 2021).

[86] Islamic teaching schools and centres.

[87] RCMC is located in Cox's Bazar in the Chittagong district of Bangladesh.

[88] "It gives us an opportunity to express our creativity, aspirations, memories and feelings through our arts.", Win also added. She is a cultural agent as well.

individuality and unity. Intangible culture can be the cornerstone of collective identity and the basis of longevity.

''We have wings but not feathers, we have minds but not hope.
This opportunity has given us both.''
(Soidul Islam, RCMC Rohingya artisan)[89]

''In the case of refugees, artists and cultural institutions play an increasingly important role in raising public awareness of global injustices and effecting positive change. Through this creative platform, Rohingya artisans and artists share the things they struggle with, the way life confounds their expectations and desires, and the efforts they make to find meaning in their existence.''
(David Palazón, 2021, RCMC).

RCMC is a definitive space where Rohingya survivors can reflect to challenge the existing perceptions of their identity by participating in self-determination. By highlighting the wealth and individualism vivid in their heritage, history, and culture, that has been generationally attacked and falsified, RCMC becomes a digital library and outlet that opens doors to developing a holistic and truthful narrative Rohingya participants are building (Yap, 2021). More so, it employs Rohingya artisans to put out their own work, revisiting their memories and traditions to strengthen their collective identity. As Shahirah Majumdar, the manager and editor of RCMC noted: "There is a dominant narrative that the Rohingya are poor and simple village people who don't really have art or a developed material culture, and we want to show the world that this is not true" (Yap, 2021). Cultural heritage and memory act as an interventional currency for the Rohingya to communicate their experiences and temporalities to the wider public. Win (2022) who also serves as a cultural agent of the RCMC, reiterated the importance of a cultural memory centre of this nature emphasising that "'It is very important for a community to maintain their cultural heritage, but ours is now becoming endangered. It needs to be preserved for new generations of Rohingya to know their own traditions and cultures".

[89] Rohingya survivors are willing to use such kinds of opportunities to gain better representation and perceptibility, while dealing with their concerns of uncertainty of the future. RCMC became a space where the Rohingya community of creatives, leaders and artisans among others are able to come together and visualise hope in reintegrating into a wider community by the utility of their skills and talents.

Oral historian Aanchal Malhotra (2020) noted the profound impact reminiscence has on individuals as they carry human histories with personal and collective value to them as public history usually documents events like mass displacement and conflict from a lens that does not necessarily take into account the silences, and that each story is deserving to be heard. Figures such as casualties, statistics and other evidential reasoning do not reflect the indelible impact trauma leaves them with. Malhotra (2020) also credits material memory as an inherent part of constructing belonging and a way of understanding individual and collective identity. Furthermore, official history can never claim to be all-inclusive and encompassing as it also excludes and silences perspectives that do not necessarily agree with public discourse. The trauma which is brought forth by dispossession and displacement has a central effect in constructing re-emerging narratives from witnesses to survivors. Understanding the deep trauma the Rohingya community have faced require an interdisciplinary manner to translate and navigate their lives in the aftermath.

RCMC erected an interactive display centre in April 2022, which was made of bamboo with the roof thatched from nipa leaves, modelled after traditional Rohingya homes in the Rakhine state (Johwa, 2022). This symbolises an embodiment of their way of life and habitat, such as the one they were forced to flee from. By constructing a space that showcases models of their boats, baskets, artwork, musical instruments, pottery and many more, they have drawn in a space of belonging and peace - a feeling that had escaped them when living in Myanmar despite defending their indigenous (Burmese) ancestry. Sameen (2021: 49) noted from her fieldwork[90], Rohingya men were trained in construction that involved bamboo and wood works, as they would build houses[91] in Rakhine, Myanmar. Majumdar also said, "The objective is to create healing through art and storytelling, and to ensure the continuity of their culture by transferring knowledge and skills from one generation to the next" (Johwa, 2022).

[90] Sameen's (2021) fieldwork covered the everyday lives of the Rohingya refugees, with a special focus on Rohingya women's agency in these spaces where the Rohingyas have been residing in the Southern regions of Bangladesh. It was conducted in Kutupalong camp in Cox's Bazar, Bangladesh.

[91] The construction of similar shelter structures as they would build their homes in Myanmar is symbolic to reconstructing a space of familiarity, comfort and habitance.

Figure 2: Boats of Arakan

Artisans: Noor Ali & Shamsul Mistiri

(Featured virtually in the Rohingya Cultural Memory Centre Gallery)

Maritime traditions and history reserve an important place in Rohingya history[92] as both a symbol of livelihood, freedom, and geo-historical relevance. Their recollections of the legacy of trade through sea also resembles a path of empowerment of historical community engagement, regionally (Khan, 2022). Boatbuilding is a cherished tradition tracing back to mediaeval Arakan, and maritime trade was a staple in sea travellers and merchants' livelihoods. Boats also symbolise an important thing for the Rohingya community - that is freedom and mobility. Since their accumulative global perception has become of 'boat people', the meaning of maritime traditions represents a symbol of escape, relief, and freedom. There is a Rohingya myth which believes that a shipwreck on the shores of ancient Arakan carrying Arab sailors brought about the ethnically and culturally distinct group with Arab, Portuguese, and Tibeto-Burman ancestry (Khan, 2022). Such traditional practices of mythology and artistry keep alive the distinct identity the Rohingya persevere to maintain. Despite the historic othering and state-led marginalisation, the Rohingya have managed to retain their distinct identity and they maintain their cultural affinity to the Bengal

[92] See Akhtaruzzaman, M. 2000. *Political Relations Between Medieval Bengal and Arakan.* Proceedings of the Indian History Congress, 61, 1081-1092.

region of South Asia (Farzana, 2017). The Buddhist Arakanese culture also finds some influence in Rohingya culture. The legacy of the Arakanese borderland is greatly rooted in formulating the nuanced history, ethnicity and identity of the Rohingya. Migration, indentured labour, inter-community and faith relationships, and socio-cultural syncretism have played a role in constructing the Rohingya identity since the fifteenth century (Roy Chowdhury, 2020: 595).

Figure 3: One of the halls in the RCMC
Photograph by Rizvi Hassan[93] (Arch Daily)
(The bamboo interiors featuring some of the handcrafted artefacts)

The Rohingya Cultural Memory Centre is also an important example to debunk how one of the central concerns of the Rohingya community in Cox's Bazar remains the potential erasure of their cultural identity over the future generations as systemic marginalisation has persistently othered them in Myanmar (Sakib, 2021). It is evident that as much as the Rohingya community have faced disempowerment and systematic marginalisation as a minority group in Myanmar facing severe socio-economic and political exclusion, their dedication to upholding their distinctive culture and community legacy reserves a core role in how they create spaces for their visibility (IOM, 2021).

[93] Lead architect of the Rohingya Cultural Memory Centre.

In Myanmar, the Rohingya are denied the ability to preserve their distinct culture and social networks, most notably through the prohibition's education and religious practice. Outside Myanmar, the daily realities of settlement conditions, survival and assimilation efforts, and pressure, further distance the Rohingya from opportunities to preserve and practise their cultures and traditions (Ahmed et al, 2020). Thus, with governmental policing on the Rohingya community in Myanmar, restrictions on self-determination which lead to a loss of cultural identity can impact their presence for future generations (Bakali & Wasty, 2020). The revelation of social, economic and cultural rights was remapped and conceptualised to adjust the needs of victims and survivors in the realm of social justice and context of the Rohingya community. The Rohingya Cultural Memory Centre embodies this ethos and practises them to find a grounding to work towards preserving and restoring their collective identity. The process of constructing meaning through memory making is relational to also creating an atmosphere of enquiry where there is an ongoing cycle of breaking silences that are produced during persecution.

Through documenting survivors' voices, the collector and presenter take on a role of power under the responsibility of exhibiting their stories through recorded evidence collected. The dominance of historical accounts that are published by states usually reproduces the power relations that manifested the systematic othering and marginalisation of communities that were not accepted in their national domain (Marfleet, 2007: 137). Often, denialism and refusal to acknowledge marginalised communities also culminate into their invisibility within the state and transnationally.[94] Constructing spaces that transform victims into survivors' attributes to a powerful narrative in recounting their experiences as part of a body of official evidence that can be used at future trials and towards being seen in their own journeys of healing. Being seen becomes a metaphor for recognition and acknowledgement; a motif for dignity and response to those who have endured violence and violations. As such, the turn to human rights centred justice delivery was zoned to bring into attention how past injustices have a complex nature to address.[95]

[94] The term 'Rohingya' isn't recognized under successive Myanmar regimes; journalist Kaamil Ahmed told Al Jazeera that denialism is officiated by Myanmar (Safdar & Siddiqui, 2019).

[95] The evidence of deterrence or non-repetition under international criminal law has been weak to suggest that reliance on retributive justice should be the sole route (Alexander, 2009).

Figure 4: Nipa Palm Leaves[96] and Bamboo Woven furniture in the RCMC
Photograph by Rizvi Hassan (Arch Daily)

Malkki (1995) also asserts that resistance, in campsites and spaces of displaced living can be transformative as they lend to build a constructivist community-based identity as a form of resistance and retain their culture as agency and resilience. Cultural embodiments illustrate the collective identity of a community which is why such initiatives which include both material and intangible memory hold significance. RCMC has also been involved with other efforts in showcasing historical culture, collective memory, and Rohingya talents, such as the OXFAM International's *'Rohingya voices: crisis, resilience and hope'*[97]. These initiatives act as multidisciplinary cultural interventions that mobilise the exiled Rohingya community as cultural agents and storytellers. In this context, voices symbolise representation and authenticity. The traditions of folklore that have been part of Rohingya cultural heritage have seen efforts of preservation and virtual exhibition. Rohingya cultural activist and folklorist Mohammed Rezuwan

[96] A traditional Rohingya material technique in roof and wall thatching.
[97] See more: https://www.oxfam.org/fr/node/17494#entry11

(2021) states that folklore, mythology, and traditional stories that are centuries old are an important part of Rohingya collective identity. "We Rohingya people have our own culture, tradition, folk songs, folk tales, and folk music. Unfortunately, due to persecution, the written Rohingya language has been lost; as a result of the genocide against us, today we are on the brink of losing our rich cultural heritage as well.", Rezuwan quoted. There is emotional resonance about carrying forward oral and folk traditions for the Rohingya community to aim for longevity and preservation for future generations.

3.2.3 Photographic Documentation of the 'Rohingya' Journey

'This is our documentary of the crisis we face'

Figure 5: A glimpse of Rohingya people fleeing through a jungle from the 2017 exodus. Photograph by Ishrat Fori Imran[98] (The Guardian, 2022)

The media in Bangladesh also play an instrumental role in reproducing the Image of the Rohingya as potential threats and criminals (Yasmin & Akhter, 2020). *The Daily Star*, a widely read newspaper in Bangladesh, consistently ran stories that demonised the Rohingya, such as one

[98] ''As she fled alongside hundreds of thousands of others in 2017, Ishrat Fori Imran used her phone to capture their escape, carrying whatever they could through the jungle'' (Ahmed, 2022). Featured in the Guardian.

headline in 2018 which read “Rohingyas threat to economy, security: ICCB” (The Daily Star, 2018). More so, there is this predominant understanding of Rohingya in Bangladesh being desperate and prone to crime which stigmatises their presence in the refugee camps of Cox’s Bazar. Subsequently, due to the global shift in journalism and coverage of refugee stories and humanitarian crises, the discipline has evolved to include participatory journalism, which is defined as “The act of a citizen or a group of citizens playing an active role in the process of collecting, reporting, analysing and disseminating news and information” (Bowman & Willis, 2003: 9). However, it must be noted that this concept is unspecific and indefinite as those in the context of displacement and exile do not always correspond to the nuances of citizenship and residence. This is an avenue for aspiring Rohingya journalists who wish to document and disseminate reliable information and realities to a larger audience, with increasing access to technology such as smartphones, cameras and tape recorders (Ahmed, 2022).

The specific mention of photographic displays of the Rohingya’s lived experiences is because of the fact that members of the displaced Rohingya community find pictorial documentation important to show their surroundings and lives after the violence. Rohingya photographers have played a significant role in creating a virtual space for visibility and awareness and building a record of culture and traditions to preserve (Ahmed, 2022). As Naidu (2017) noted, memorialisation as a form of documentation is also a pragmatic approach in facilitating spaces for interrogation and reflection based on the archives of evidence. Documenting memories, stories and oral histories from survivors is a process of recognition that is integral in delivering transitional justice and dignity. Farzana (2017) emphasises the role of oral history as a verbal technique that aids in the context of refugees and displaced persons being able to interpret and narrate their stories and recreate social memories. One of the popular forms of documenting their post-conflict lives in between places of exile and settlement for young Rohingya persons has been the route of photography (Ahmed, 2022). Photography, in instances of displacement and exile, plays an important role in documenting the atrocities they faced and their stories thereafter (Ahmed, 2022). Photography is a powerful tool for advocacy and awareness if led by communities who face human rights violations. Participatory and ground up advocacy themed around justice for the Rohingya have oriented their paths to re-aligning mechanisms that give visibility to their current plight despite their limited opportunities of mobility and access (MC, 2022).

Aside from the motive of preserving their cultures, community traditions and stories, photographic illustrations[99] captured by members of the Rohingya community represent their authentic narratives as an intervention for coverage and storytelling (Ahmed, 2021). Omar's Film School is a notable Rohingya-led photography initiative that educates and trains aspiring young Rohingya photographers, documentary filmmakers and photo-journalists, to document their temporal experiences and the consequences of their displacement (Mohammed, 2021).[100] Co-founder Faruque Mohammed (2021) recounted his inspiration for visual journalism from the media coverage that focused on the 2017 round of violence and influx of the Rohingya into Bangladesh in 2017, working with Reuters photojournalists and reporters:

''We were helping the Rohingya settle in the camp, and also interpreting for media interviews. I would introduce myself and say, "I am a Rohingya, I am your fellow brother, I am your son. Then they expressed their real suffering to me. It was another kind of emotion they were expressing [in Rohingya] to what they could say in English.''[101]

(Faruque Mohammed, 2021)

Danish Siddiqui was part of the Reuters team that won the 2018 Pulitzer Prize for Feature Photography for documenting a series of what was described by the judges as "shocking photographs that exposed the world to the violence Rohingya refugees faced in fleeing Myanmar'' (Gopalakrishnan & Collett-White, 2021). Suchitra Vijayan[102] writes about Siddiqui's contribution to visualising experiences of conflict for "future generations who want to make sense of the past" (Bhatia, 2021). Vijayan credits Siddiqui's photographic contributions as 'memory-keeping…' and ... his biggest contribution was creating a visual archive of state violence, and the landscape that violence remade". Homegrown digital media, as Couldry (2012) puts it, becomes a foundation on which persecuted diasporas can find agency and self-esteem in authentic representation.

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[99] Refugee photography has become accessible creative avenues to foster storytelling and transparent on the ground reporting in certain conflict zones and areas (UNHCR, 2015).

[100] See more on 'Omar's Film School' on the facebook page: https://www.facebook.com/OFS2020/

[101] His late brother and co-founder Omar Mohammed worked with Reuters journalists with Faruque to collaborate on findings and reporting whilst also acting as representatives of their community settling into the camp settlements from 2017.

[102] Vijayan is the director of Polis Project, a non-profit organisation for journalism and research.

Figure 6: A Rohingya woman touching the shore in Shah Porir Dwip in 2017[103]
Photography by Danish Siddiqui (Reuters)

According to UNHCR (2022), almost 50% of the Rohingya refugees in Bangladesh are youth, who have been living in temporary shelters in difficult living conditions with limited access to education, healthcare, and skills development. Photography is an opportunity to document collective memories, histories and heritage that pin down their agency in storytelling and preserving the thematic exhibitions of lived experiences (MC, 2021). Visual storytelling becomes a communicative approach to embodying experiences and memories, *Anra Rohingya*[104] bears witness to the lives of Rohingya people and the virtual exhibition in Cox's Bazar, created by the Rohingyatographer initiative. Its founder, Sahat Zia Hero curated it along with David Palazón, and it was noted that:

*The exhibition deals with the subject of **identity** through intimate recordings of the daily lives of a displaced community. Exploring themes of memory, hope, faith, beauty, craftsmanship, grief,*

[103] 'It was a clear morning, and I could see the clouds of smoke in the background on the Myanmar side. After a few hours waiting on the beach the fishing boats started arriving with Rohingya,' Danish Siddiqui said.'This image was taken just after a family member of the Rohingya woman carried her from the boat. The exhausted woman sat on the beach and put her hand to feel the shore after the long and dangerous journey from Myanmar' (The Guardian, 2021).

[104] Translated as 'We are Rohingya'; see more on the virtual exhibition: https://www.rohingyatographer.org/exhibition

loss and love among the Rohingya refugee community, this exhibition presents a collective portrait that honours the strength, endurance and resilience of the Rohingya people.
(Rohingyatographer, 2022).

Guarding, preserving, and displaying the culture of targeted communities that perpetually face marginalisation, acts as resistance and in a form of normality which in turn also safekeeps the distinct collective and cultural identity (Ahmed et al, 2020). The term 'Rohingya' is even barred from being used by Myanmar and in host countries such as Bangladesh, they are called 'Burmese Muslims', disowning their distinct ethnic identity (Rosenthal, 2019). In the post-coup militarist regime landscape of Myanmar, the Rohingya have had to endure a long history of alienation and gross violations that have removed them from mainstream Burmese society. The politics of identity, othering and weaponising difference has worked to violently push the Rohingya to the margins of nation-building. As Uddin (2020) states, the Rohingya have been treated as 'subhumans' due to their lack of legal framework to express their right to be protected. Politicising race, ethnicity and culture are common tools of repressive states to criminalise minority identities. Such initiatives exhibit the distinction of cultural identity and memory to recover dignity and recognition.

Chapter 4: Discussion

4.1 Introduction

This chapter serves as the discussion section where a critical gaze at some of the pertinent areas of research focused on throughout the study. The previous chapter laid out the nuances and dynamics of the community-led initiatives and unpacked the selected projects in depth. The discussion section of this study refers back to the core research question and seeks to debunk the significance of such initiatives in post-conflict emergencies.

4.1.1 Inventive Methodologies for Visibility as 'Justice'

TJ must have the ambition to transform oppressive and oppressed societies, to sustain and look forward to an equitable future by addressing injustices of the past through measures that seek to approach accountability and settlement (Arbour, 2007: 3-4). There is an omnipresence of transitional justice mechanisms being externally driven with a 'top-down' approach with very little input from locals which defies the purpose of who the justice is for, carving a political elite niche. TJ should not be mistaken to be an all-exhaustive approach that 'solves' the long standing political and social struggles. It is simply a means to provide equal opportunities and platforms for social justice (Sharp, 2012: 151).[105] As Sinclair and UNESCO (2002) evaluate the importance of the educational utility of such community-led projects to retain and enhance platforms of advocacy especially if there has been deep rooted trauma experiences faced by communities.

Myanmar military have resorted to systematically removing the Rohingya community overall from Myanmar and from existence, committing serious human rights violations of a genocidal nature (Green et al, 2018). The importance of ensuring and pursuing accountability on the international and national level, justice and reparations for victims of displacement, crimes against humanity and serious human rights violations cannot be underrated (Gorlick, 2019: 25). One of the principal aims should also involve the promotion of visibility on issues surrounding conflict-ridden consequences and pathways to awareness. Displacement is a deeply intersectional experience; race, ethnicity, disability, and age, amongst other factors contribute to making experiences of

[105] Former UN Secretary General Kofi Annan had touted that TJ must have diverse lenses to deliver peace and justice, both traditional and local justice and the rule of law must be in agreement with each other and be complementary (Allen & MacDonald, 2014: 13).

refugees during and post-conflict displacement complex and pluralistic. Memory work becomes an important factor of reference and evocation.

There is also a persistent concern over the lack of local ownership[106] of TJ operations; pushing for a predominantly western-driven narrative and agency to only respond to mass atrocities (Sharp, 2013: 165). TJ needs to have a more pluralised approach and lens for responses to issues of crimes against humanity, as an effort to mainstream some of the underlying issues of the complex nature of accessibility and ownership (Sharp, 2013: 152). Hence, TJ must also be positioned into contexts where its transformative element must be maximised to yield positive results from post-conflict conditions. Johwa (2022) goes on to say that such initiatives of preserving Rohingya cultural memory and routine contribute to healing and finding ground in consolidating a collective identity.

When limited to the access of formal justice or accountability, other evident forms of justice are usually opted for to provide some transitional relief to groups of victims affected. One of the most important pillars of justice to remember is to not only focus on past injustices but to also highlight the possibility of recurrence and current climate of ongoing human rights crimes (Gready & Robins, 2014). Mechanisms such as truth commissions, public apologies, and amnesties within the spectrum of accountability can only be possible in democratic regimes that have adopted legitimate ways of addressing past violations.[107] This is not the case for autocratic states or nations currently experiencing military control or coups, hence other available and efficient forms of justice must be utilised (Sarkin, 2021: 50). Art becomes a catalyst of identification, conversation and social change.

Thus, it becomes apparent that other forms of justice in the restorative genre may make up the gap of meeting the needs of survivors and victims. The restorative realm places emphasis on truth-telling, remedial methodologies on the root causes of socio-political violence, figuring out recognition, and dignifying victims to personify their struggles and lived experiences (Hayner, 2002: 24). The framework and perception of justice in methodologies such as truth commissions, storytelling, traditional/customary rituals and community-led processes indulge in grassroots

[106] The pluralistic qualities TJ proposes involves localization as a strong option for consideration as it offers on-the ground impact to respond to the intermediate transitions during and post conflict.

[107] The mentioned methods of TJ have their own set of challenges and nuances to explore, especially if orchestrated in local contexts of justice measures that require a more traditional/customary methodologies (Shaw, 2007).

engagement with the centrality of victims' and survivors' experiences. Recognition and dignity become symbolic instruments of justice in such methods, which welcome a culture of retrospection and visibility (Hayner, 2002: 24). Arguably, the excessive element of victimhood in such narratives can also problematise the need for survivors to realise self-actualisation in the whole process of redress.

The reaction and expectation of transitional justice by different communities in Myanmar yielded a range of responses and criteria (David & Holliday, 2018). Firstly, the experiences of abuse, regimental torture, suffering and oppression were founded to be culturally and religiously informed. Understandings of peace and justice are culturally, socially and religiously sculpted such that survivors have leaned towards them. The overarching debate whether peace and justice are mutually exclusive and/or complementary is complex and dependent on regime type and the post-conflict environment which demands appropriate measures of redress and reconciliation.

In the Buddhist-majority country, Suu Kyi's proposition of reconciliation and transitional justice resonated as their central belief attached to the temporality of existence and the nature of suffering itself (Renshaw, 2019: 389). David & Holliday (2018) further observed that many people in Myanmar had the desire for an establishment of an official body or process that partakes to uncover and acknowledge past human rights violations during the years of the military rule and dictatorship. Myanmar's transition from military rule into partial and limited constitutional democracy from 2008 to 2018 was at the backdrop of fragile politics that have been historically unaddressed, and the issue of accountability of the past abuses and crimes (Renshaw, 2020: 397).

Local human rights organisations in Myanmar such as ND Burma (2018) had affirmed the primary objective of victims of political violence in the past to seek truth rather than retribution. However, as soon as Suu Kyi's transition was underway, her party's lack of coordination and cooperation in remembering, forgiveness or even truth-telling, proved to be an obstacle in the long-run. Eventually, Suu Kyi abandoned the preposition of acknowledging the traumas of the past and sided with the military to retrieve any opportunity at accountability. Despite there being a call from the international community to restore full citizenship rights to the Rohingya, the Myanmar government has maintained that it is within their sovereign right to determine how citizenship rights are granted (Hoque, 2018: 569). Myanmar's fragile democratic transition had an

unpromising start to it, characterised by violence towards minorities and domineering military presence. The elected National League of Democracy (NLD) in 2015 led by Aung San Suu Kyi symbolised a newly democratic government since 1962 (Hoque, 2018: 551).

The appointment of Aung San Suu Kyi in a special leadership role as state counsellor became a beacon of victory over authoritarianism and Suu Kyi was celebrated as a political heroine, inheriting her father's struggle and victory for independence (Hoque, 2018: 551-552). Yet this political transition did not reflect any inclusion for the historically stateless minority group of the Rohingya (Amnesty International, 2016). Suu Kyi's electoral campaign and eventual ascension to being opposition leader and state counsellor rested on the insistence that there is no desire for retributive actions based on past injustices (Young, 2013). Suu Kyi also stated that she would not seek accountability for violations committed under past military rule. When the topic of transitional justice was brought up in any forum, Suu Kyi signalled the possibility of a truth and reconciliation commission[108], with emphasis on forgiveness and truth seeking at the heart of rebuilding Myanmar society (Young, 2013).

One of the notable judicial advocacy initiatives from a civil society body, has been the *Paths to Justice*, along with international legal frameworks that have been approached to seek justice for the Rohingya, post the 2017 violence. Justice Rapid Response (JRR) and Legal Action Worldwide (LAW), amongst many organisations, have worked around pursuing accountability. Although, both JRR and LAW have legal advocacy and campaigns for judicial forms of justice, the *Paths to Justice* initiative brings a more specific role to play in the international stage for the Rohingya.[109] Hamida Khatun, Yousuf Ali and Hasina Begum[110] - three survivors from Cox's Bazar - were some of the active members present at the Hague when the ICJ was conducting emergency hearings on provisional measures (PTJ, 2019). Their stories detailed their experiences with rape, sexualised torture and capture, arson and killings.[111] Hasina also recounted how being present inside the

[108] Drawing from the complexities of housing a Truth and Reconciliation Commission in the aftermath of the decade long civil war in Sierra Leone, there was widespread hesitancy to partake in verbalising accounts and experiences of violence for both perpetrators and survivors (Shaw, 2007).

[109] Their mandate, advocacy journey and the survivors' stories are visible on their website, with video recordings of the stories told by the survivors as well as their written testimonies.

[110] They have preferred to use their own names

[111] Hamida Khatun, an informal leader of the women's group, Shanti Mohila (Peace Women) was active in collecting testimonials for documentation (LAW, 2022).

courtroom and participating firsthand renewed her chance at personal peace and relief. Back in Cox's Bazar she was able to reassure other survivors in the community that they had been heard.[112]

What I experienced is that men and women are all equal. There is no discrimination. People from different communities also live side by side. Together they can go to court, they can seek justice, they can walk on the street.

(Hamida Khatun, 2019)

LWM has been one of the prominent actors facilitating digital exhibitions for the displayed Rohingya community in Cox's Bazar as cultivating a culture of democratising the memorialisation of facts and survivors' experiences as evidence. LWM developed a Centre for the of Study Genocide and Justice (CSGJ) in 2014. The Rohingya's inclusion in their partnered projects for exhibition committed them to using tools of memory and storytelling to promote religious tolerance and back democratic secularism regionally and beyond. Whether it is displaying the *Quilts of Memory and Hope* or publishing a compilation of Rohingya survivors' testimonials to support claims of genocide under international jurisdiction, pursuing accountability through evidence is one of their active interests in the larger scheme of the utility of documentation in the path to justice.

LWM has published work on Rohingya survivors' testimonies[113] which have been instrumental in evidence-based account(s) on seeking accountability through constant reference to legal frameworks and accompanying testimonies that serve as evidence to represent Rohingya's treatment and historic plight. LWM is also an important agent of judicial advocacy through their efforts of documentation and preservation of Rohingya survivors. As a site of memory, LWM has extended their obligations to grounding their work as a foundation for initiating judicial advocacy. This is an inventive method to illustrate memorialisation as evidence, meeting the purpose of documentation to prove credible charges of genocide.

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112 ''Even though we were nobody they pulled us close to their hearts'', Hasina Begum said, as quoted. It also reflects the sense of assurance this technique of visibility retains, to secure some path to seek accountability.

113 See the 'The Rohingya Genocide- Compilation and Analysis of Survivors': https://usercontent.one/wp/www.rohingyapost.com/wp-content/uploads/2019/08/The-Rohingya-Genocide-%E2%80%93-Compilation-and-Analysis-Of-Survivors%E2%80%99-Testimonies.pdf

Storytelling remains an essential part of seeking justice and healing and for Rohingya survivors to verbalise their past and ongoing trauma. This could act as a catalyst for more advocacy and chances for redress. Federica Tronchin, the Head of the International Justice Programme at Justice Rapid Response, stated that, "It is important that every avenue possible is explored to give victims a chance at justice'' (PTJ, 2019)[114] and initiatives such as *Paths to Justice* evoke the re-telling of trauma from survivors which expose the horrors of the Myanmar military and authorities' treatment of the Rohingya. This represents revelatory and reliable accounts from those who have suffered.[115] Tronchin's take on there being "no perfect systems" is also reflective of the fact that justice is not a formulaic delivery but a nuanced practice involving survivors' needs (Walker, 2015: 109). It is equally important that perpetrators also have the opportunity to document the crimes they have partaken in to ensure accountability and fair trials. Conflict and persecution are experienced differently between victims and perpetrators, and so does how they translate their memories. This was further demonstrated, for the first time, when two *Tatmadaw* soldier gave detailed confessions in a video testimony of their mass killings and burials, sexual violence, and village property destruction (Ellis- Pettersen, 2020).

The discussion revolving around pursuing justice includes advocacy methods involving documentative initiatives which secure evidence for future appeals for formal accountability at the international level. Documentation is a powerful manner in which survivors are also visible through sharing their stories about the atrocities they suffered as well as a formal route to record their statements for justice. Particularly, the evocation of documentation through survivors' stories, testimonies, and collection of other verbal or written evidence, acts as an instrument for post-conflict accountability to engage with at trials for prosecutive purposes. It also validates the survivors' endurance of past injustices in the public domain by the exposure.

4.2 Mapping Representation and Resistance

The evolution of the concept of refugee voices brings forward the significance of contributions made by refugee survivors themselves, which in turn develops knowledge exchange and production. The predominant conception of what a refugee life is consists mainly of their lack of

[114] Additionally, she also specified and was quoted, ''When something so massive happens to a population there are not enough justice and redress avenues and redress avenues and there are no perfect systems'' (PTJ, 2019).

[115] In this specific case, the three mentioned survivors were present at the 2019 ICJ proceedings, is both metaphorical and proof of active participation of engagement that brought a sense of hope to the survivors as they have professed.

agency and displaced environment that pushes them towards de-politicised narratives which inform cultural imagery of their persistent victimhood. Therefore, the wider discursive representation of refugees who are also survivors of conflict and persecution are connotated to be voiceless with invisible truths that remain private. It feeds into the existing demands of victimhood affirming organisational interventions (Harrell-Bond, 1986). This further feeds into the evolving debate of social research and other avenues of interrogation where power relations dominate the discourse. One of the notable themes coming out of these initiatives is hope- an opportunity to dream for the future which is resonant for resilience for the Rohingya.

The experience of exile and displacement cannot be distanced from the socio-cultural and political contexts that produce spaces in which refugee survivors can navigate their own narratives and representation (Godin & Dona, 2016: 62-63). Victimhood as the primary visuality of refugees has been the social construction of externalised responses to disempowerment that models neo-colonial humanitarianism. Often, when the root of displacement is state-led persecution and violence, the dominant visibility and nature of representation has been made to resemble helplessness and brokenness that is often associated with the experiences of banishment and exile (Malkki, 1992: 34). Refugees' divorce from their nations symbolises their displacement to be a pathological, psychological and social reality. Their defilement, violations and nationless appearance is crucial for essentialising the refugee experience and representing their daily lives in exile as generic and void of any capital or autonomy.[116]

This crisis is part of the wider vocabulary used to amplify the conditions in which refugees and survivors reside. The legal framework of a refugee[117], as stipulated by the UNHCR (1951) does extend a status of exceptional circumstance - lending a protective stance to persons fleeing persecution, the socio-cultural context of refugeehood has been connotated to stigma The positivist social meaning of refugeehood in exile is also a space which is depoliticised to render refugees socially and politically invisible, although they fled their home countries as political beings. Their

[116] Malkki's (1996) extensive fieldwork which covered the intensive anthropological study of Hutu refugees in Burundi investigated the depiction of 'African refugees' to be sensationalised as 'generic subjects' caught up in episodic ethnic conflict. The reasoning behind the generalisation of pain, victimhood and loss has been the constant depiction.

[117] According to the UNHCR, the term 'refugee' applies to any person:
'' owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. *''* (1951: 14).

diminished political and social agency reproduces the overarching victimhood that cements them into apolitical bodies[118] (Godin & Dona, 2016: 61).

Historicising state-led violence and institutionalising othering produces generations of trauma that inform multiple contemporary realities. Long-term large-scale persecution and displacement induces an environment of fear, trauma and despair. Historian Anshu Saluja (2022) recounts the implicit value political, social and cultural memory held in post-conflict societies that progress through transitional phases of governance which confront divisiveness and political repression. Saluja's reference to the Indian partition in the context of memories around violent nation-building, restorative efforts such as archival stories, oral histories and other retrieval sources, act as narratives of suffering and conflict related trauma. Remembrance is an important part in forming the multiplicity of identities and realities. More so, translating such memories through different mediums aids our understanding of shared histories and public narratives that inform and re-organised the social fabric in post-conflict societies (Saluja, 2022). Interpreting and displaying memories becomes an important pathway to denote experiences and approaches to restorative efforts.

4.2.1 Media and the Rohingya

While increased media coverage, particularly western/euro-centric narratives situate the plight of refugees, asylum seekers and/or displaced persons and communities as being perpetually helpless, there has been shifting debates that situate the refugee experience beyond victimhood (Turton, 2003). By reflecting upon refugee survivors' narratives as mechanisms of transmissibility and vocalism, it contributed to a larger body of reference that is divergent from the dominant mapping of their trauma (Malkki, 1996: 380). International media is an important catalyst in mobilisation and framing public narratives and opinions about such humanitarian situations, hence the usage of media is crucial to unpack. There is also a strong role the media plays in shaping public opinions around narratives of migration, displacement, and violence. So much so that people's perceptions can inform circumstances and consequences (Wright, 2002). In 2015, images of Rohingyas from Myanmar fleeing on dangerous boat voyages through the sea captured international attention and grabbed sensational media attention (Rosenthal, 2019). This significantly contributed and

[118] The monolithic image of 'voiceless, helpless and desperate' has been normalised to purpose them as apolitical, despite being in politicised environments produced by political violence, to an extent.

popularised the term 'Boat People'. The visualisation of the dire insurgency the Rohingya faced, and their maritime journeys caught global imagination and was documented widely with media coverage exponentially increasing; reportedly 240% by the Guardian and 116% by the New York Times from the previous year (Lee, 2021: 5).

The evolution of new technologies also aids in strengthening awareness around the conditions. While some displaced communities remain dispossessed and still demobilised, other routes of visibility have been available to groups of people, who in their marginal positions have sought out these methods to document their journeys. Employing the voices of refugees to awaken particular perspectives on refugee solutions on the global stage and involve refugees themselves as agents and facilitators is crucial. Chimni (1998) argues that adopting an evolving pragmatic approach to refugee protection would need to go beyond the positivist traditionalist attitude to internationalism to be cognisant of the power dynamics of the narrator and the narrated subjectivity. The involvement of local documenters also becomes an approach of engaging with survivors, communities, and post-conflict situations (Levy & Williams, 2020: 462). This involves direct contact with communities affected by the conflict and violence, preparing them for testimonies and hearing their voices to document the atrocities they have suffered.[119]

In the axis of representation, voices act as negotiations around dominant constructions of refugee identities by presenting authentic and detailed depictions of lived realities. Voices can also refer to any other mediums of display and communication that are reflective and deduced from survivors' and victims' experiences, memories, and stories (Lambert, 2009: 29). There is an overpowering narrative of foreign media coverage on humanitarian crises that percolate around migration, conflict, and the living conditions of spaces occupied by displaced people (Lee, 2021). The domineering portrayal of humanitarianism and living conditions of displaced communities, particularly refugees, have lent to the disempowering subjectivities. The landscape of global media still remains discriminatory and homogenous to the image of refugeehood and skewed of the severity of exile.

[119] Moreover, documentation in such forms gives light to visibility and acknowledgment as a form of peace process and truth seeking when choosing to memorialise survivors' stories. Such steps account not only for representative purposes but serve as evidence and testimony. As Baumgartner et al (2016) state that documentation is a versatile term covering methodologies and curation of archival material that is resourceful in post-conflict situations, aiding transitional justice processes.

The approach to portray suffering as the constant visualisation of refugee experiences has been increasingly criticised to make way for the change in framework to address their plights, on their own terms (Blachnicka-Ciacek, 2017). Instead, visibility and authenticity must be the drivers of storytelling, drifting from the exploitative rigmaroles of representations of disempowerment.[120] And these narratives can be generated by the survivors themselves, reflecting more on their everyday realities. Employing methodologies that involve digitising storytelling handles creates a delicate balance of narration and documentation which utilises new media to steer closer to a direction that supports freedom of expression and representation (Couldry, 2008). Photography has become an instrument of communication and storytelling, shifting the gaze of victimhood but focusing on the technique in which the narrators can hope to facilitate advocacy.[121]

4.3 Gendering the 'Rohingya' Experience

> *Mothers were gang raped in front of young children, who were severely injured and, in some instances, killed. Women and girls 13 to 25 years of age were targeted, including pregnant women. Rapes were accompanied by derogatory language and threats to life, such as, "We are going to kill you this way, by raping you". Women and girls were systematically abducted, detained and raped in military and police compounds, often amounting to sexual slavery.*
>
> (Human Rights Council, 2018: 9)

Feminist research has posited that conflict-related violence disproportionately affects women and evoked approaches to address gender-based injustices. However, sites of displacement and encampment still represent violence and the daily reality of gendered control and the lack of bodily autonomy. Violence against women is increasingly perpetuated in situations entailing vulnerable sites of displacement. Rohingya women faced multiple tiers of violations and violence in encampment. As Tripura (2022: 5) noted from the interviews conducted with the humanitarian actors for her study, forms of gender-based violence include domestic violence, and forced marriages (including child marriages). Polygamy is also prevalent in this Rohingya community with men marrying several times simultaneously, as a means to discipline women. Rohingya men

[120] There is a growing need to focus on the multiple truths and voices displaced communities share when they face their pasts of forced migration and violence endured. This also assists in authentic representation.

[121] ''I want to do social work in Myanmar and promote peace between communities.'', as Faruque Mohammed stated (2021).

tend to turn to sexually deviant behaviour to assert dominance and masculinity for a sense of self identity and assurance.

A number of studies have reflected upon the sites of displacement and exile as political spaces where the premises of patriarchal power and gendered relations are conditioned and socialised within the displaced communities (Fiddian-Qasmiyeh, 2014). Much of the global humanitarian, development and policy discourses which have been consolidated in the global north place refugee women, more specifically in the global south, at the margins of societal framework, emphasising their lack of agency and passivity as victims. Feminist global south epistemology (Mohanty, 1991; Ram, 1993) centres women's agency to be comprehensive and present in everyday practices which defy the dichotomous boundary of presence and absence that has been constructed by western discourse. More so, the tiered paradigm of agency has been increasingly critiqued to posit the gaps in recognising the complexity intersectional experiences bring with it. Women's bodies are sites of governance, regulation and control. In exile, Rohingya women have emerged to be visible mobilisers and agents of advocacy which opens up discourse on transformative approaches.

The relationship shared between trauma, gender, and memory is core to understanding how socio-cultural determinants organise and inform experiences. Ironically women are usually found outside the mainstream domains of nationhood and decision making but the outcomes of such decisions affect them primarily. However, nationalism has a complex transaction with engendering trauma narratives specifically. As Dey (2016: 111) points out, the genesis of nationalism based on identity weaponises women's bodies as moral tools of subservience and symbolism. In private spaces, women's bodies are regulated and domesticated as prevalent gendered norms normalise their confinement. The private domain should not necessarily be attached to passivity and mundane domesticity unless there is a deeper look at the complexity of such spaces.

Predominant narratives around women refugees have focused on their silences and are dependent on the homogenous nature of victimhood (Henry, 2015: 47). Vulnerability, immobility, violence and passivity are the usual terms associated with gendered refugeehood. The placement of gender in this context of displacement contextualises the role gender plays in constructing social memories, identities and agency (Jelin, 2003: 77). Individuals experience and recreate memories differently, and so do the social conditions that determine them. Sameen (2021: 2-3) iterates that women's lives in campsites, spaces of exile, and within the realms of what constitutes lives of

refugee women inclines towards invisibility and a consistent state of vulnerability absent from decision-making. Rather than their participation in consultative processes in the context of humanitarian processes in refugee settings, they have primarily been perceived as 'recipients' or 'dependents' of aid (Sameen, 2021: 3). Feminist scholarship[122] from the global south has increasingly become critical of the role of women in the politics of autonomy and power relations against the backdrop of insurgency and civil conflict (Squires, 2006). The marginality of women in representative narratives of agency and action is significant in the canon of western liberalism, where the reiteration of victimhood and vulnerability is definitive and in situations of displacement, loss and trauma becomes synonymous with lived experiences of women during and after conflict.

Beyond the exclusionist agenda in which Myanmar's statehood has marginalised the Rohingya, biopolitics and trauma become a crucial point of interrogation when unearthing memories. Marginalisation of the Rohingyas is at multiple levels, exposing a complex interaction of limitations and an imbalance of power relations. There have been several reproductions of inequality and experiences of oppression borne by the Rohingya historically, first under colonial subjugation and then their identity being under threat in independent Myanmar. Eventually, in a bid to preserve and practise their distinct culture, they constantly negotiate the binary of majority and minority groups, even resorting to violence. In refugee settlements in Bangladesh and Myanmar, there is socio-spatial control and surveillance that further reiterates an atmosphere of othering, apart from the scope of protection that frames them as victims (Sameen, 2021: 85-86).

Manchanda (2004) states that spaces induced due to displacement, unconsciously become transformative and empowering for women, upending structural norms of gender hierarchies. Forced migration and displacement could also mean that ascribed gender roles, and patriarchal norms could transform and redefine the subjectivities of people during their time spent in camp settlements and spaces of exile (Krause, 2014). Hence, displacement and violence are often associated with reconstructing the agency of women, detaching them from the sole gaze of victimisation but also reconfiguring them as able agents. By resorting to the victim/survivor rhetoric, it demobilises women and their agency to reclaim visibility and accountability. The

[122] Scholarship emerging from the global south, centering around feminist decolonial perspectives, remains steadfast in defying how hegemonic definitions of developmental and globalisation discourses.

developmental discourse around migration and gender approaches the intersection as a binary that pathologises absence and dependency into rigid categories that denote their identities as structurally limited. In situations of conflict and displacement where third-party humanitarian actors and foreign aid are involved, traditional gender norms that affirm men to be primary decision makers are challenged as hegemonic positions switch (Krause, 2020: 201). Furthermore, Vernon (2021) categorises the process of genocide to be a hyper-gendered and heteronormative one. Sexualised violence is a method of forming the power boundary between the perpetrator and the victim.

The task of gendering reparations and constructing ownership in spaces of reclamation for victims and survivors in terms of practical utility and access is important (Marin, 2006: 23). Although the framework of victim-centred mechanisms of justice aims to restore their safety and dignity, structural challenges in the form of gender norms and inequality and negligence of the consequences women face during and after violence are prominent (Walker, 2015: 109). Gender roles and norms are produced and reproduced by the socio-cultural constructions of performativity and social bodies[123]. The reiteration of these constructions of gendered identities is translated onto domains of lived realities that interact with sites of governance and body politics which have also been structurally, culturally, and historically defined. Bhowmik (2019: 8) emphasises that when communities face displacement, gender hierarchies and socio-spatial dynamics are renegotiated, and they give way to newer forms of inequality.

Sameen (2021) critiques the conception of agency from the western glance in the context of gendered experiences and structural conditions that regulate women's mobility and capacities in exiled spaces. Encampment and refugee settlements represent forced exile which have mnemonic opportunities and activities. The everyday activities and political action within informal spaces in both, the private and public, should be counted as agency and advocacy. Representation in the context of displaced communities is determined by intersubjective responses as well as the contextual practices that shape it. Rather than the imposition of passivity that has been internalised as a global norm of exile, every day, private spaces represent a strong form of agency. Judith

[123] Judith Butler emphasises that gender is performative and that gendered identities are continuously being constituted with gendered enactments.

Butler[124] (2009) draws on theorising women's experiences during war as dependent on their recognisability and perception, reiterating negotiations of vulnerabilities.

Gendered subjectivities are important aspects of examination in reflecting on the context of violence and victimisation. Veena Das (2007: 63) observed that women's bodies in both the private and public spaces are sites of policing and regulation.[125] Violence endured by women during protracted periods of violence and conflict based on identity politics usually resemble the association of female bodies with opportunities for conquest and capture (Mohanram, 2011: 918). Secrecy, stigma, and unspeakability of the abuses women and girls face during and after conflict, are directly linked to normalisation of gendered violence and silencing. Silencing gender-based violence subsequently reproduces[126] the oppression survivors face repeatedly. Gender is central to memory-making and bears significance to the continued practice of remembrance and taking up space to address silences and also the choices of forgetting or not forgetting (Ndlovu, 2019: 164). The nature of unspeakability around gendered trauma brings forth the observation how unequal power dynamics are ever present, thus alienating women's experiences of conflict and violence (Jelin, 2003). Das (2007: 60) also notes that collective memory does not always agree with personal remembrance of trauma that is individuated on the body.

Gender scholars notably Cockburn (2010), attribute spaces of spheres of conflict as sociologically significant in rearranging gender relations. Militarism-induced spaces also contribute to patriarchal imbalances in the private lives of survivors. The debate around conflict-related sexual violence has mainly tilted towards hierarchising suffering, gendering the impact of sexual and gender-based violence endured by women during conflict as the sole focus (Henry, 2015). What this does is it mutes other forms of discrimination and gendered harm that include domestic violence in private spaces. Beyond ongoing conflict and side-lines these realities are also faced in post-conflict environments. The limited recognition of sexual violence as the primary harm faced by women

[124] *Frames of War (2009)* is considered a seminal work on evaluating the politics of recognition and dependency exposes people to crimes.

[125] This was drawn from the study of the Indian partition where the construction of gendered identity and 'womanhood' in post-colonial South Asia and in a post-conflict society was key in navigating the experiences of women through various lenses of religion, class, region and ethnicity.

[126] Andrea Durbach (2016) draws from the Truth and Reconciliation Commission in post-apartheid South Africa, in assessing how the silence of gender and sexual violence against women was marginalized and detached from the framework of violence and crime.

and girls during conflict overshadows the myriad of crimes they face in silence in both public and private domains (Hamber, 2007). Rohingya men feel emasculated in these spaces of encampment and the history of forced sterilisation has also demobilised their virility (Tripura, 2022: 5).

The significant use of rape and sexual violence during conflict can be considered to be a tool of control, dominance and moral destruction (Durbach, 2016: 369).[127] Rape and sexual assault are not only exclusively targeted towards Rohingya women; men have been victims of rape as well (Holzl, 2019). Yousuf Ali who is involved in the PTJ initiative stated that he was sexually tortured by military personnel. Similarly, amongst many others, Nurul Islam also described his sexual assault: "They put me like a dog"[128] (Nurul Islam, 2019, The New Humanitarian). Additionally, Islam also recalled the shame he felt that made him not disclose the incident when seeking medical assistance in the refugee camps in Bangladesh (Holzl, 2019). The stigma and silence attached to conflict-related sexual violence against men and boys[129] have hindered male survivors from speaking up and seeking help (Human Rights Watch, 2019).[130] Hamber (2007) decodes the construction of masculinities as a product of heteronormative affirmations. The production of the unequal power dynamics and relations during (and even largely outside of) conflict resulted in the social and cultural interpretations of gendered subjectivities (Morrell, 1998: 607). The Tatmadaw also regularly adopted strategies to induce fear and coercion through kidnappings, torture, and forced labour of Rohingya men and boys.

Additionally, the hierarchised manner in which rape is framed also reproduces the inequality of responses to sexual violence. Gender identity and performance play an instructional role in how victimhood is formed and perceived. It also places the occurrence of sexual violence endured by victims on a spectrum of visibility (Grewal, 2010). The consistent idea derived from experiences of gendered and sexual violence is the loss of agency which is an additive to the pre-existing state

[127] In the context of conflict and armed violence, sexual violence is used as a weapon of conflict, to demobilize and disorientate people.

[128] Whilst bowing down to reenact the assault, Nurul Islam quotes (Holzl, 2019).

[129] The forms of sexual violence men and boys include rape, forced sterilization, forced nudity, genital mutilation, forced sex with other persons, forced to watch sex between other persons, sexual slavery and forced marriage (Carlson, 2005).

[130] A 2013 report by the Office of the Special Representative of the UN Secretary-General on Sexual Violence in Conflict deduced that conflict-related sexual violence targeted towards men and boy is not uncommon however a taboo topic which poses as a gap in policy making and institutional responses (UN, 2013: 9).

of victimisation and uncertainty. Hence, men are also victims of conflict-related violence, and the narrative should not only turn to becoming a skewed image of abuse only endured by women.

For women within the Rohingya community, the conservative gender norms are a constant requirement for them to conform, which limits their access and agency. The 'purdah'[131], a system which is a prevalent practice followed in Islam, is also instated for Rohingya women which further conceals them from public gaze, to uphold women's honour and requires them to stay within their domestic realms (Banerjee, 2019: 9). Shame is an important lens to look into when examining the positionality of women's access to public spaces when their private realms are restricted. Bhowmik (2019) notes that gender and sexual identities determine socio-spatial contextualities and gendered realities are omnipresent in the tapestry of social fabrics. As Sameen (2021) notes, among the Rohingya community, women in private spaces and in marriages embody the symbol of honour, sustenance and women in public spaces and not in marriages[132] are synonymous with being exposed, abusable and unprotected. This largely extends to the historic socio-cultural construction and perception of the public-private divide. Greenough (1982) categorises this under the 'Patron-Client' bracket where men are breadwinners and women are the obligated. This is more of a naturalised socio-cultural practice[133]; the association of men with the public space and women with private.

Sengupta (2020: 117) reiterates that for a community to exist with distinct identity, protection of women is one of the core principles. Rohingya women find themselves at the centre of the patriarchal sphere through socio-cultural and religious channels. Majhis[134] yield social and religious control in site spaces and community engagement, and they reinforce strict rules for women. Sengupta (2020: 117) goes further to say that discipline in the form of physical abuse is also prevalent in instances where Rohingya women talk to strangers or walk alone without being accompanied by a male family member. The boundaries between the public and private become blurred and complicated. Gender roles and conditions that control women's bodies inflict

[131] Refers to veiling in Islam; attires such as hijabs and burqas included.

[132] Single, widowed or divorced.

[133] In Bengali culture, the patron-client relationship has been an integral part of domestic practice generationally (Islam, 2001). However, this sort of expectation to yield to gender roles is spread across South Asian cultures.

[134] There is a strong 'Majhi' system that reiterates the leadership hierarchy in spaces of exile and to an extent can widen the gap between aid deliverables and the community.

regulation and intrusion. Women experiencing refugeehood, displacement and migration have to negotiate multiple complexities and transactions. More so, the obligation of cultural tenacity and sustenance is imposed on women as they symbolise the societal expectation of dignity.

Gendered experiences of persecution, marginalisation and violence, yield different complex lived realities and mould diverse and different subjectivities (Mohanram, 2011). By intersecting the need for visibility and self-representation to a gender responsive technique, it creates a space for survivors to articulate their stories on their terms. Gendering refugeehood and survival in exile, and spaces of displacement, amplifies their experiences and efforts to centre themselves in their journeys to be seen and seek accountability. Gender-based crimes in conflict and persecution with genocidal intent are targeted to dismantle community dynamics by deploying militarised bodies to systematic violations on women, children, and men. These unequal power relations enforced the side lining of gender crimes and their acknowledgement.

4.4 Reframing the Landscape of 'Visibility'

Destruction of culture is a complex crime which has lingering long term impacts on communities facing the violation of erasure. While cultural genocide hasn't been exclusively defined in the UNGC, there has been growing consciousness around the cultural demands of justice and reparations. As Kiddey (2017) reiterates the importance of cultural heritage as both a tangible and intangible asset to challenge hegemonic narratives that demonise marginalised groups of people. By working on the emerging interdisciplinary efforts to centralise creative and artistic expressions of cultural heritage to consolidate participatory projects that examine past events, trauma, memories to disrupt the cycle of identity destruction.

By reframing the relationship between the refugee and narrator/documenter as being a space of egalitarian exploration and mutual advocacy, knowledge production is kept as a form of reparative tool meant to acknowledge suffering as a call for recognition and not necessarily to emphasise victimisation (Taha, 2018). Ansar & Khaled (2022: 295) also state that digital media have been an important medium in which the Rohingya community can overcome the divide in representation

and narration.[135] As Jelin (2003: 84)[136] states, marginalised voices of women that come out in public spheres which expose the plurality and complexities of their memories and experiences. There should be a larger spectrum of representation rather than just relying on the fetishisation of Rohingya's victimisation[137].

Farzana Urmi Ahmed, an artist in residency[138] for the RCMC from 2019 to 2020 focused on the inner lives of Rohingya women, drifting from the cultural norms that enforce Rohingya women to only appear in a hijab or burqa[139] and live under patriarchal domestic domains (IOM, 2022). By exhibiting portraits that show women in their realities who "want to be seen as humans, as individuals" as Ahmed says. Notably, the series titled *Portraits of Rohingya Women* was an effort by Ahmed to coordinate exploration and expression through artistic technique including acrylic, oil, water colour, ink and paper, to represent the varied memories the women carry (IOM, 2022). Ahmed further says, "Maybe some of them have buried their past somewhere within themselves. But they are all rebel queens to me. They draw, they sew, they make art and sustain life." Documenting stories from the perspective of victims and survivors focuses on their endurance and resilience as opposed to the normalised visualisation of subjugated persons[140].

[135] With involvement from sites of memory like the LWM, memorialization of Rohingya stories, sentiments, testimonials and evidence is ensured and digitised. Along with memorialization, LWM has internalized its aim to promote research, documentation, advocacy and networking around the issue of genocide and war crimes in Bangladesh and other paths of the world (Hamber et al, 2010: 409).

[136] Jelin borrows from Gugelberger 1996a, quoting,'Giving voice to those who have no voice'.

[137] The repression the Rohingya faced has been the basis of radicalization and rebel-insurgency groups such as the ARSA; victimisation shouldn't be the inherent narrative.

[138] She worked with RCMC embroidery artisans from December 2019 to March 2020.

[139] A veil attire for Muslim women.

[140] 'I tried to be as respectful as I could be about their cultural preferences around being photographed,' Farzana Urmi Ahmed says. Additionally, she also emphasised that the portrait series was a women-centered one that had consent from the participants. Furthermore, an agreement was made between the participants and Ahmed that the photographs would only be used as references for the portraits and not made public.

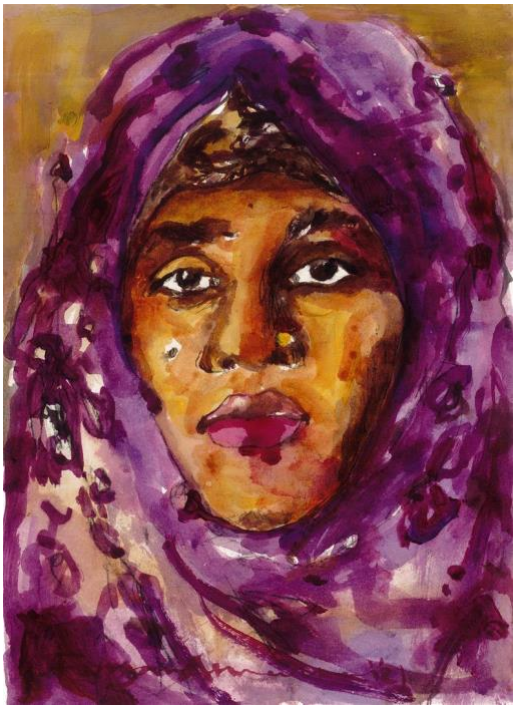

Figure 6: Portrait of Minara[141], a Rohingya embroidery artisan for the Rohingya Cultural Memory Centre
Painted by Farzana Urmi Ahmed[142]
(Sourced: Rohingya Cultural Memory Centre)

In relation to the context of refugee visibility, storytelling has emerged as an important tool of self-representation and restorative practice to reclaim personhood. The plurality and complexity in which refugees' lives and narratives are negotiated and presented should bear the actualities they face when navigating displacement, marginalisation, and spaces of asylum (Jones, 2019: 3). In existing frameworks of representation which usually involve reductive premises on the limitations of refugee agency and the exclusivity of justice processes because of their sustained alienation, hegemonic reproductions of refugee narratives are mostly available to define the parameters of their visibility and inclusion (Jones, 2019: 3-4). While usually 'voices' are categorised but not limited to as being artistic or creative expressions in film, media, poetry and music, the definition of 'voices' expands to testimonies, speeches, written and published work and so forth (Jones, 2019: 5). By reconstructing lived experiences that validate their endurance of hardship, displacement and

[141] Minara was initially taught embroidery by a relative in the camp, but later she independently perfected her techniques on her own and taught her younger siblings. She has done several artworks for RCMC.
[142] These artworks have been made digitally available through RCMC's virtual reach.

atrocities, the survivors are illustrating their own narratives. It also ensures a level of recognition if survivors of conflict and displacement facilitate the re-telling of their experiences, leading their narratives with ownership (Dudman, 2019). Innovative methods of dialogue and documentation of memory and illustrating contribute to gendering justice for Rohingya women.[143]

This is resonant with the case of the Rohingya, as successive governments and military regimes have refuted their claims of indigeneity to Myanmar (Lee, 2019: 243). The political narrative in post-colonial Myanmar has been positioned to serve the politicisation of ethnic identity that motivated aggressive nationalism which socially alienated minorities.[144] The presence of the dominant political narrative in post-colonial Myanmar is inclined to serve the politicisation of ethnic identity that motivated nationalism as a governance structure policed the existence of the Rohingya community. This also triggered their 'un-imagining' from Myanmar's demographic body.[145] In circumstances of prolonged exclusionary violence stemming from ethnonationalism and repression that duplicates the subordination of gendered harm, women tend to rely on activism and advocacy in informal spaces as well as increased engagement in grassroots and community networks (Frieder, 2020). Recovery of testimonials through different mechanisms of illustrations defies the internalisation of public history as the dominant consensus to abide by.

More so, by referring to personal narratives and interpretations of violations and experiences, survivors come into a sphere that transitions their testimonies from silence to truth seeking. When survivors vocalise their experience in the pursuit of accountability and recognition[146], it sets a precedent of shifting the narrative from imposed victimhood to survivors (Walklate et al, 2019: 200). Locating their lived experiences in their vocalised narratives and recounting their memories posits their agency into their daily realities and not just re-emphasises the victimhood rhetoric (Green et al, 2020: 566). How storytelling is practised and retold by survivors shapes their self-representation and importantly contextualises the socio-cultural conditions that accompany their

[143] See more: https://www.womenofconscience.org/bangladesh-rohingya-documentation-program

[144] In circumstances where formal apology, redress or repatriation may not be an immediate or foreseeable reality for the Rohingya, cultural avenues of storytelling and memory initiatives facilitate recognition. The process and power of documentation can be carried out in different forms, including digitising stories for a wider audience which develops their visibility. By employing this ground up initiatives, it succeeds in highlighting the plight suffered by the Rohingya in a pertinent manner (Sengupta, 2021).

[145] This illegality has been reproduced beyond the borders of Myanmar; the Rohingya identity has been systemically nullified by unjust laws to deconstruct their existence (Roy Chowdhury, 2021).

[146] ''The International support for us, the Rohingya, is very important. Without this, we wouldn't be able to move on. We wouldn't be able to live our lives again.'', as Yousuf Ali quoted in *Paths to Justice* (2019).

sense of belonging in the aftermath of the violence they have faced. By placing women at the centre of these initiatives and multidisciplinary documenting of efforts, there is an evident endeavour to characterise women in situations of displacement as agents rather than just victims and normalised caregivers. Rohingya men get frustrated to cope with the immobility and lack of income that adds to losing control over their households in spaces of exile. This makes the women move into traditional roles and modes of livelihoods (Turner, 2019: 17).

These aforementioned initiatives construct domains of accessible activism and advocacy that are led and grouped by survivors emerging as empowering mediums to mobilise forms of assistance and symbolism (Ansar & Khaled, 2022). These evolving forms of activism and interventions have gained momentum in securing a wider reach of visibility and perception of the violations and conditions suffered by the Rohingya. There is criticism that the collaborative partnerships[147] between localised agencies and international organisations exhibit inequity in exercise and bureaucratic tendencies. The core of these partnerships and justice mechanisms acts as responses valid for the Rohingya refugees in the lack of formal accountability (Sengupta 2021: 62). These post-violence methodologies of individualised storytelling or expression are something that survivors have learnt to rely on to be visible when formal justice and accountability faces a gap in realisation. With the threat of persecution by Myanmar, even if there is a possibility of repatriation back, there is no guarantee that the Rohingya community will be able to return to normalcy or expect state responsibility.

The construction of social memories and narratives by survivors through forms of storytelling provides a ground on which they hone in on their ownership. Refugee survivors are often reduced to being products of conflict, alienation, and a form of illegality[148] that perpetuates their victimhood in different spaces. It has been discussed that it becomes counterproductive to reproduce the consequences of displacement as a simplistic aftermath to deal with rather than situating lived experiences at the centre of documenting survivors' perspectives (Harsch, 2018). Universalising refugee experiences is usually the normative approach to showing their voices to

[147] In situations of refugee management and displacement settlements, the involvement of international organisations are ideally the intervention for relief, disaster management and monitoring.

[148] The reference of 'illegality' that has been used in this thesis refers to not only the denial or citizenship rights for the Rohingya community but the existential state of being they face because of the rendered invisibility and immobility they are imposed. Beyond the legal aspect of statelessness, there is a social element to how the Rohingya have navigated this.

wider audiences. However, the shift in demonstrating their agency has been evident as growing practices of storytelling aim to depict resilience rather than despair (Harsch, 2018).

4.5 Sub-Conclusion

What social memories also translate are the social frameworks and dynamics that play out to locate lived experiences that are dependent on how agency can be enabled. They also promote inclusivity and survivor-led narratives that exhibit resilience in the backdrop of dehumanisation and human rights violations. The reiterated image of the Rohingya without agency and being deemed perennially as unwanted threats. In this context of visibility pertaining to the Rohingya community in spaces of exile and encampment, the culture of preservation and diverse knowledge transfer encourages awareness and education on the conditions faced by them. Themes of home, belonging, safety and identity are significant while such projects are constructive in reflecting the past the Rohingya have carried with them. Positioning their distinct cultural identity at the heart of preserving their heritage makes way for innovative and participatory mediums of communication.

Chapter 5: Conclusion

The Rohingya have faced brutal state-led marginalisation that has reproduced their 'othered' status beyond the borders of Myanmar. Following decades of systematic violence which includes the revocation of their right to citizenship under the 1982 Citizenship Act, the Muslim ethnic minority Rohingya have been 'un-imagined' in the 're-imagined' post-colonial landscape of Myanmar. There is vast evidence proving that there have been Muslim inhabitants in the borderland region between Myanmar and Bangladesh since pre-colonial times (Walton, 2013). There has been proclaimed potential for the state to practise extensive inclusivity which can encourage harmony but with little gain as successive governments have instilled a system of prolific discrimination (Cox, 2014: 2-4). The Rohingya crisis presents a challenge that involves the struggle political identity and religion and ethnicity which has resulted in the deprivation of citizenship which is informed by systematic discrimination leading to displacement. Hence the government's constant denialism of the Rohingya people has been a consistent threat to their safety and residence in the country that has spilled over to reveal a regional refugee dilemma. Furthermore, there is an existential threat of cultural destruction that remains a central concern amongst a myriad of structural inequalities and challenges they face.

The possession of a nationality is the right to security and the basic human right to have legal recognition. While military dictatorship took centre stage in Myanmar's nation building, several ethnic minorities have had to bear the brunt of exclusion but not as severely as the Rohingya whose citizenship was revoked. This ethno-religious factor would be a primary tool in Burma's demographic mapping which has left out the Rohingya people's claim of indigeneity and their constant public perception of being descendants from 'illegal Bengali migrants'. Cultural interventions develop into independent discourses of belonging, identity, and awareness (Barbour, 2007: 295).[149] Despite the fact that being in exile is not always similar to refugeehood or a diasporic entity, the sentiment of displacement and removal from one's home is resonant (Barbour, 2007: 293). These interventions have integral symbolism attached to finding not only a spatial reality but metaphorically creating their own 'imagined community', in the face of their 'stateless' status quo.[150] Such memory projects which act as cultural interventions enable visibility and a

[149] As Said (2000) alluded to places of exile and displacement as spaces of discourse, intellectualism and reflection.

[150] This recurrent 'invisibility' is materialised through forms of discrimination that add up to their categorization as being the 'other', leading to their marginalisation and legitimising the generational state-led violence.

manifestation of their realities and heritage in a space that can democratise their presence and awareness. Various forms of cultural interventions are expressive and informative of themes around violence, gender, marginalisation, conflict and displacement.

By adapting to reparative measures through these interventions, their aspirations to garner a distinct ontological identity have been validated in these exiled spaces. The currency of survivors' stories holds great value in representing the truths and experiences they have lived. Spaces in which their lives have unfolded in exile and in settlement camps are at the heart of how they are able to voice their struggles for accountability in the future. More so, methodologies of curating collective memory shape counter-narratives of historical discourses (Dudman, 2019). The intuitive paradigm of representation lent to refugeehood is crucial in how the conversation is shaped globally. It is crucial that the socio-cultural arc of storytelling and being seen by the wider community favours refugee survivors and the realities they live in (Godin & Dona, 2016: 63). Advocacy and activism engage with several forms of representation that prove the pluralities involved in reclaiming previously disenchanted stakeholders. Cultural interventions through memory initiatives are integral in expressing resilience, identity and visibility. They mobilise the exiled spaces to generate an 'imagined community', to resist the systematic marginalisation and 'othering'.

The victimisation of the Rohingya community has been one of the most prominent attributes to their identities but through these interventions, the community in exile are able to reimagine their memories and experiences. These spaces of representation, healing, memorialisation and commemoration generate an evolving discourse of dialogue, advocacy, and visibility, that contests the 'invisibility' of the Rohingya community. Socio-cultural interventions are necessary to disrupt the dominant narrative of 'othering', which has been the case for the Rohingya. These memory centred interventions revitalise the essence of Rohingya identities and their experiences. Also, with multidisciplinary memory initiatives that are gender-sensitive and oriented to highlight women's agency within spaces of exiles, and in defiance of customary gendered norms within the Rohingya community, there is an effort for gendered agency in storytelling. In the context of long-term persecution, storytelling becomes an intricate part of their everyday life.

Initiatives such as the *Quilt of Memory and Hope* evolve as reliable and cathartic points of reference and commemoration which display storytelling in an artistic manner that agrees with the

Rohingya women survivors. The virtual exhibition of connected quilts provides a strong platform for stories told from their perspective and storytelling as an integral part of reclaiming survivors' narrative. The Rohingya have been systematically silenced historically, hence such methods of exhibiting storytelling bring about an opportunity to counter the otherwise repressive regime. Digitising these quilts for permanent online display increases their viewership, raising their visibility on the global scale (AJAR, 2020).

Resisting their unimagined personhood by Myanmar, the Rohingya have consolidated their presence as the solidified imagined community with these illustrations and interventions. Memorialisation becomes an eminent part of documentation while memory initiatives cement documented evidence into the public domain through an array of creative resources and modes including art, visual depiction, and literary interpretation (Bojanic & Kalemaj, 2021: 279). Choosing art through community-led initiatives (sometimes with civil society support) of memory construction separates the process from state-led intervention and envisioning creativity is holistic (Bojanic & Kalemaj, 2021: 276). Artistic mediums possess a multidisciplinary quality of directing peace processes because of its symbolic nature of interpretation. Hence, memory action often involves artistic visualisation for catharsis and valuable recognition to further promote visibility.

Representation of these lived experiences and past realities captures the depths of the multiple truths involved in survivors' lives (Green et al, 2020). Interpretation is not stagnant; narration can be diverse and personal truths different from national history, dependent on individual storytelling. Expression of these stories can involve a number of methodologies that can illustrate their storytelling. These methodologies can include art, poetry (written word), oral, dramatic performance and community techniques of coming together to share stories. As the UNHCR (2016) puts it, storytelling invites a diverse array of mediums of creative interpretation and innovation, photography, novels, films, and artwork remain as key accessible outlets to construct narratives. As Farzana (2015) puts it, educational and communicative processes that are ethical, integrative and engaging to fill the gaps in such coordinated responses the contexts of refugee crises.

Across refugee survivor communities, storytelling and reconstructing experiences and memories revive a sense of belonging in their current circumstances and communicate with other survivors

and the wider community about their stories (Ud Din, 2018). By interacting with memories and stories, there is an engagement to retell them and commemorate lived experiences that process a step towards healing. Storytelling through various mediums of demonstration and display harness reclamation and identity beyond the persistent perception of victimhood. In the context of refugees telling and reliving their stories through mediums can preserve their emotions and acknowledge their trauma (Chouliaraki, 2017). However, these instruments are just as important in harnessing dignity and the ability for victims to engage in their access to justice as well as assume centre stage in taking ownership in their narratives. Besides this, populations which are deprived of basic literacy have to find effective ways to construct and communicate meanings.

The emerging significance of non-judicial mechanisms that seek more symbolic display of either atonement or remembrance is a conscious manner in which humanist and people-driven motivations of justice and truth-telling are mobilised. What must be constant at all times is the cognisance of agency within justice mechanisms that prioritise victims' needs. Some Rohingya survivors themselves have dwelled on the significance of raising their voices to be heard so that they attain some form of truth-seeking, as Yousuf who is attached to the *Paths to Justice initiative*, emphasised that (PTJ, 2019).[151] In cases where justice paradigms have to address multiple interrelations of oppression and long-term violence, it is pivotal to employ a cohort of mechanisms in the limited presence of formal justice routes to solidify a strong model of recovery and restoration. In situations of protracted violence or historic oppressive inflicted on particular groups of people who are exposed to great human rights risks, access to formal justice methods may not be possible, hence the need for other efficient routes that visibilise the cause and posit the ambition of some extent of restoration and repair. Framing memory is a complex task because it requires us to look into the deeper implications it has on our identities and societal boundaries.

However, when communities under the threat of genocidal violence face the threat of identity erasure, they seek a diverse range of methods in reimagining themselves. Broadening the understanding of justice itself is helpful in focusing on the kind of expectations transitional justice brings into society recovering from conflict and political division. In this strand of thinking, the work of activism acts as a tool of intervention in bringing attention to issues of mass violence,

[151] 'That is why it is important the world hears the Rohingya voices and knows our stories'', as Yousuf Ali said (2019), as quoted in the *Paths to Justice Initiative* (2019).

gross violations, and consolidating the efforts of accountability in post-conflict societies. Thus, it is essential to look at the conceptualisation of the delivery of justice in a pluralistic manner[152] that will serve the purpose of addressing human rights violations in a sustainable manner for resilience.

Spaces of displacement are definitively unsettling and carry socio-spatial trauma. They simultaneously become sites of governance, politics and social relations. However, such localised efforts of memorialisation carry symbolic and tangible representative value to communities grappling with difficult living conditions and severe trauma. Artistic, cultural and knowledge-based interventions lend to conversations about long-term, restorative processes of justice that survivors lean towards healing, satisfaction and communication. The transition into an era of digitisation and accessibility involves positioning refugee voices into audible and visible spaces and such mediums of representation become routes to pursuing justice when there is no immediate option of resettlement or repatriation nor an international window of ensuring the will to redress.

When I was born, I was not a baby like you are.
Without a birth certificate, Just like death.
(Excerpt from That's Me, a Rohingya)
Mayyu Ali, Rohingya Activist

[152] Referring to a number of different cultural interventions in this context of documenting Rohingyas' stories.

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