OXFORD JOURNAL
OF STUDENT
SCHOLARSHIP

The Right To Have Rights: Hannah Arendt and The Stateless Rohingya

Riddhima Singh
singhriddhima2805@gmail.com

ABSTRACT

This paper asks whether Hannah Arendt's 1951 paradox of "the right to have rights" remains an accurate structural description of the international human rights framework, using the statelessness of the Rohingya as a critical case study. Rights, Arendt argued, are not self-executing; they require a political community willing to enforce them, so a person who loses citizenship loses the practical capacity to hold any right at all. This paper tests that seventy-five-year-old thesis against the most current evidence available: the 1982 Myanmar Citizenship Law, the 2017 military expulsion of over 700,000 Rohingya, and the 2026 merit-phase hearings at the International Court of Justice. It then evaluates two cosmopolitan counter-theories that claim to have closed Arendt's gap—Seyla Benhabib's account of "disaggregated citizenship" and the UN's Responsibility to Protect (R2P) doctrine—against the documentary record of the Rohingya crisis. Using a single-case, doctrinal method, the paper argues that these cosmopolitan mechanisms remain aspirational rather than operational whenever a state withholds consent, and that this sovereignty-based gap has a specific colonial genealogy in Myanmar's own legal history. The paper concludes that until international law decouples fundamental protection from state consent, Arendt's paradox will remain a living structural defect rather than a solved problem of the past.

INTRODUCTION

In the massive refugee camps of Cox's Bazar, Bangladesh, more than a million people are living in a state of legal non-existence. They have names, families, and histories. They have fled burning villages and survived horrific violence. Yet, on paper, they are largely invisible: no nationality, no passport, and no government legally responsible for their safety. The Rohingya crisis poses a direct question to political philosophy: what good is a human right if no government is obligated to protect it?

Seventy-five years ago, Hannah Arendt looked at the aftermath of the Second World War and reached a similarly unsettling conclusion. Writing *The Origins of Totalitarianism* (1951) after millions of displaced people and Holocaust survivors were left legally stranded, Arendt argued that the Enlightenment idea of universal, inherent human rights was a myth without a political community to back it up. If a person does not hold citizenship, their rights are not actually rights—they are aspirations. This is her paradox of "the right to have rights": before any specific freedom can be enjoyed, a person must first belong to a political community. Lose that belonging, and every other right collapses with it.

The architects of the post-war order believed they had closed this gap. The Universal Declaration of Human Rights (UDHR, 1948) declared that rights belong to everyone "regardless of… national or social origin," and the 1951 Refugee Convention was designed to protect the displaced. The world assumed Arendt's problem had been solved by declaration.

The Rohingya crisis suggests it was not. Does the ongoing statelessness of the Rohingya substantiate Arendt's paradox, and do contemporary cosmopolitan legal mechanisms—specifically Benhabib's theory of disaggregated citizenship and the Responsibility to Protect doctrine—offer a genuine structural remedy, or do they merely obscure the same sovereignty-based gap Arendt identified in 1951? Myanmar's 1982 Citizenship Law stripped the Rohingya of nationality, the 2017 military crackdown forced over 700,000 of them into a country that never signed the Refugee Convention, and the International Court of Justice's ongoing case shows that international law can prosecute the perpetrators of atrocities but cannot compel a state to grant citizenship. Newer legal frameworks have not closed the gap Arendt identified; they have, at best, obscured it.

LITERATURE REVIEW AND RESEARCH SIGNIFICANCE

Arendt's paradox has not gone unexamined since 1951. Giorgio Agamben extended it into a broader theory of "bare life," arguing that the modern state routinely produces categories of people—refugees among them—who are stripped of political standing and left exposed to power without protection. More directly, Ayten Gündügdu's *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants* argues explicitly that Arendt's mid-century diagnosis still describes the situation of contemporary migrants and asylum seekers, despite seventy years of intervening human rights law. Peter Nyers has likewise used Arendt to examine how refugees are managed as a permanent "state of emergency" rather than absorbed into ordinary legal protection.

This body of scholarship, however, largely engages Arendt at the level of migration and asylum politics in general, or draws on cases from Europe and North America. Comparatively little of it works through the Rohingya crisis specifically as a test of Arendt's thesis, and none of it incorporates the International Court of Justice's 2026 merit-phase hearings, in which Rohingya survivors testified directly. This paper's contribution is narrower and more concrete than a general theoretical restatement: it uses one of the clearest and most extensively documented statelessness crises of the present decade, tracked through to its most current legal developments, as a test of whether Arendt's seventy-five-year-old framework still holds and whether the specific cosmopolitan remedies proposed since her death—Benhabib's disaggregated citizenship and R2P—actually function when a state withholds consent. In this sense, the paper is less an attempt to discover a wholly new theoretical position than an evidentiary check on an existing one, using the most up-to-date case material available.

METHODOLOGY

This paper uses a qualitative, single-case, theory-testing design. Arendt's paradox is treated as a theoretical framework with three observable components, operationalized here for analytical purposes: (1) formal loss of nationality; (2) the resulting absence of any state legally obligated to protect the person; and (3) the condition Arendt called "superfluousness"—exclusion from any political community's sphere of concern. The Rohingya case is examined against each of these three components in turn, using primary legal and institutional documents: the text of the 1982 Myanmar Citizenship Law, the 2018 UN Fact-Finding Mission report, ICJ provisional-measures and merit-hearing records, and the treaty texts and ratification status of the 1951 Refugee Convention and the 1954 and 1961 statelessness conventions.

A second analytical step applies the same documentary record to two cosmopolitan counter-theories—Benhabib's disaggregated citizenship and the UN's Responsibility to Protect doctrine—to test whether either framework produced a materially different outcome for the Rohingya than Arendt's theory would predict. This is a doctrinal and historical method rather than an empirical or fieldwork-based one: it compares what these frameworks promise on paper against what the documentary record shows they delivered in this specific case, between 2005 (the adoption of R2P) and early 2026 (the ICJ merit hearings). The method's scope and limits—particularly its reliance on secondary and institutional sources rather than testimony from Rohingya individuals themselves—are discussed in the Limitations section.

ARENDT'S PARADOX: THE RIGHT TO HAVE RIGHTS

Arendt's theory began with what she observed across Europe after the First World War: a continent suddenly full of stateless people—minorities stripped of nationality by new borders, refugees driven out by revolutions, and Jewish people stripped of citizenship by the Nazis. These were not people from some lawless era; they were Europeans living in a society that had claimed for centuries that rights belonged inherently to every human being. Yet the moment they lost their citizenship, no political community felt obligated to act on their behalf.

This is the origin of Arendt's paradox. Historically, philosophers argued that rights derive from nature rather than government—a person holds them simply by virtue of being human, and no state can revoke them. Arendt countered that rights only function if a political community is willing to enforce them. A right nobody is obligated to respect is not, in any practical sense, a right at all.

This is why she called it "the right to have rights." She was not arguing that stateless people do not deserve freedom of speech or safety; she was arguing that before any specific right can matter, a person needs to belong to a political community. Citizenship is not one item on a list of rights—it is the precondition for all of them. To Arendt, the defining injury of statelessness was becoming "superfluous": existing entirely outside any system that recognizes a person as mattering.

It helps to contrast Arendt with John Rawls, one of the most influential modern liberal philosophers. In *A Theory of Justice* (1971), Rawls asks readers to imagine people designing a fair society from behind a "veil of ignorance," without knowing their own future social position. It is a powerful thought experiment, but it presumes everyone is already a member of some society negotiating its internal rules. Rawls's framework has little to say about a person who belongs to no state at all—which is precisely why Arendt is more useful here: she does not take citizenship for granted as the starting point of justice.

Arendt wrote her critique only a few years after the UDHR was signed, and she remained skeptical of it. The Declaration made sweeping promises about human dignity while quietly relying on nation-states to do the actual protecting. The question she left behind was whether international law could ever build a system that did not depend on individual governments choosing to comply. Seven decades later, the Rohingya case suggests the answer is still no.

THE ROHINGYA AS ARENDT'S PROOF

If Arendt's paradox sounds like abstract philosophy, the Rohingya crisis demonstrates that it describes a present-day reality. Their statelessness was not an accident; it was built through deliberate legal design.

The Making of Statelessness

The Rohingya are a Muslim ethnic minority who have lived in the Arakan region of Myanmar for generations. Their statelessness was created by a pen, not a war. In 1982, Myanmar passed a Citizenship Law tying nationality to membership in a fixed list of officially recognized "national races." The Rohingya were left off that list. The law imposed a burden of proof effectively impossible to meet, converting hundreds of thousands of people into foreigners overnight in their own homeland.

This matches Arendt's account directly. The stateless people she studied had not committed any crime; they were simply legislated out of existence by states that no longer wanted them. Myanmar's 1982 law accomplished the same result through paperwork, rendering an entire population rightless without firing a shot.

2017: When Statelessness Becomes Catastrophe

In August 2017, the paperwork turned into violence. Myanmar's military launched operations in Rakhine State, burning villages and killing civilians. A 2018 UN Fact-Finding Mission concluded that the military's conduct bore the hallmarks of genocidal intent. Over 700,000 Rohingya fled to Bangladesh within months. Owing to high birth rates in the camps and continuing violence tied to Myanmar's civil war, that population has since grown to nearly 1.5 million.

Reading through Arendt's framework, these refugees arrived in Bangladesh stripped of every layer of protection. They could not appeal to Myanmar, since Myanmar was the source of the violence. They could not claim rights as Myanmar citizens, because their government had spent thirty-five years insisting

they were not citizens. They became, in the fullest Arendtian sense, rightless: human beings with no legal system obligated to protect them.

The Legal Limbo of Cox's Bazar

Bangladesh performed a considerable humanitarian service by opening its borders, but the camps at Cox's Bazar illustrate Arendt's point rather than refute it. Because Bangladesh never ratified the 1951 Refugee Convention, the Rohingya cannot formally claim refugee status there. They are citizens of neither Myanmar nor Bangladesh. UNHCR issues them basic identification, but this is a humanitarian courtesy, not a legal entitlement. Should Bangladesh's policy shift, the Rohingya have no independent legal standing to resist forced return to a country that has attacked them. Their situation depends entirely on the goodwill of others.

This is exactly the condition Arendt warned about: lacking any legal standing from which to even lodge a complaint. Cox's Bazar is not only a humanitarian emergency; it is documentary proof of a structural gap in the international system.

The ICJ Case: Limits of the Law

In 2019, The Gambia sued Myanmar at the International Court of Justice for violations of the Genocide Convention. The Court ordered provisional protective measures, and by January 2026 the case had advanced to full merit hearings, with Rohingya survivors testifying directly before the Court. This is a significant moment for accountability, but viewed through Arendt's lens it also exposes the limits of judicial remedy. The ICJ can order Myanmar to cease violence; it cannot order Myanmar to issue passports. It cannot grant the political membership that Arendt argued is the actual precondition for rights to mean anything.

> **ICJ Genocide Merit Hearings (2026):** Establishes formal state accountability and exposes systematic military crimes on a global stage, yet cannot force Myanmar to reform its domestic law or grant citizenship.
>
> **UDHR Article 15:** Standardizes the universal moral “right to a nationality,” but lacks an enforcement mechanism to penalize states that strip nationality.

COUNTERARGUMENT AND REBUTTAL: CAN INTERNATIONAL LAW ESCAPE ARENDT?

A strong counterargument holds that treating Arendt's paradox as a permanent flaw ignores how far international law has evolved. Over recent decades, global law has shifted somewhat away from protecting only state borders and toward protecting individuals more directly. If that shift is genuine, the Rohingya crisis might be a horrific setback within a system that is slowly improving, rather than proof that the system is broken beyond repair.

The Cosmopolitan Challenge

Seyla Benhabib argues in *The Rights of Others* (2004) that modern global law offers a genuine escape from Arendt's trap. She agrees Arendt was correct about the 1940s but claims that rights have since been "disaggregated"—gradually separated from the exclusive grip of citizenship.

She points to concrete evidence: the Rome Statute (1998) created the International Criminal Court to prosecute individuals for war crimes irrespective of their home state's position, and regional systems such as the European Court of Human Rights allow citizens to sue their own governments. The clearest example of this shift is the Responsibility to Protect (R2P) doctrine, adopted by the UN General Assembly in 2005. R2P holds that a government retains sovereignty only insofar as it protects its own population; if it fails to do so, the international community is expected to intervene. On paper, this resolves Arendt's problem by making the international community a safety net for people abandoned by their own state. The implicit argument is that the legal tools already exist—statelessness treaties, the ICC, R2P—and that the shortfall is political will to enforce them, not a defect in the underlying philosophy.

The Rebuttal: Aspirational Law Is Not Operational Law

This argument is persuasive in the abstract but does not survive contact with what actually happened to the Rohingya. The crisis functions as a real-world test of these newer frameworks, and on that test they failed.

R2P, despite being adopted in 2005, was never invoked in Myanmar. The UN Security Council could not pass a binding resolution because China and Russia—both of which hold significant strategic interests in Myanmar—made clear they would exercise their veto. A doctrine designed to override state sovereignty in extremis was halted by ordinary geopolitical interest. R2P did not close Arendt's gap; it left enforcement to the very great-power consent structure the doctrine was meant to bypass.

The ICC encountered the same wall. Myanmar never signed the Rome Statute, leaving the Court almost no jurisdiction inside the country. It could open even a narrow investigation only because Bangladesh is a state party, allowing prosecutors to examine the specific cross-border crime of forced deportation. A court built to hold perpetrators of atrocities accountable worldwide remains bound by the oldest rule of international law: a state that declines to sign a treaty is not bound by it.

The statelessness conventions fare no better. Neither Myanmar nor Bangladesh has signed the 1954 or 1961 statelessness conventions. International law runs on state consent, and states that intend to strip a population of citizenship simply decline to sign the instruments that would forbid it.

Benhabib's account of rights migrating past citizenship is real, but it functions chiefly where states have voluntarily ceded some authority to regional courts, as in much of Europe. Where state consent is absent, the cosmopolitan system still collapses into the same gap Arendt described. The consequences are concrete: as international donor funding fluctuates, food rations in the camps are cut. Because the Rohingya depend on charity rather than enforceable legal right, their survival hinges on whether foreign

donors remain interested. When donor attention lapses, people go hungry. This is Arendt's argument made material: rights mean little without a state legally obligated to provide for them.

THE COLONIAL ROOTS OF THE SOVEREIGNTY TRAP

The sovereignty gap this paper has traced is not a philosophically neutral accident of state design; it has a specific colonial genealogy that deepens Arendt's diagnosis rather than complicating it. Antony Anghie has argued that the foundational doctrines of international law—sovereignty chief among them—were not developed by neutral states meeting as equals, but were forged through the colonial encounter itself, as European powers built legal categories to justify authority over non-European peoples. Sovereignty, on this account, was never a blank, universal starting point; it was a tool first used to include some polities as "civilized" and exclude others, and that exclusionary logic did not disappear when formal empires dissolved.

Myanmar's 1982 Citizenship Law is a direct descendant of this history. The list of 135 officially recognized "national races" did not emerge from nowhere; scholarship on Myanmar's legal history shows that British colonial administration in Burma classified and fixed ethnic categories through census-taking and administrative practice, and that colonial-era migration from British India into Rakhine State became, after independence, the basis on which postcolonial governments cast the Rohingya as foreign interlopers rather than a national people. The postcolonial state did not invent the machinery of ethnic classification and exclusion; it inherited it, and then used the newly won prize of sovereignty to finish the job the colonial administration had started.

This history complicates the cosmopolitan optimism of Section VI in a second way. Postcolonial states, including Myanmar, often treat sovereignty as something hard-won against colonial domination and are, for that reason, especially resistant to outside intervention—even avowedly humanitarian intervention—which can appear to reproduce the same posture of external powers overriding local authority that colonialism once took for granted. This does not excuse Myanmar's conduct, but it helps explain why mechanisms like R2P struggle for traction: they ask postcolonial states to surrender the very attribute, sovereign non-interference, that decolonization was fought to secure. Arendt's paradox, then, is not simply that rights require a state; in the Rohingya's case, it is that the state doing the excluding inherited both its categories of exclusion and its jealous guarding of sovereignty from the same colonial history that originally produced statelessness as a European problem in the first place.

LIMITATIONS AND DIRECTIONS FOR FUTURE RESEARCH

This paper has several limitations that should qualify its conclusions. First, it is a single-case study built on a doctrinal and historical method—treaty texts, court records, and UN reports—rather than on fieldwork or interviews with Rohingya individuals themselves. It therefore captures how the international legal system has treated the Rohingya, but not how the Rohingya themselves experience, narrate, or resist

that treatment, which a more Arendtian attention to political voice and action would ideally include. Second, the paper relies on English-language secondary and institutional sources; Myanmar- and Bangla-language material, and the internal deliberations of the states involved, were not accessible within its scope. Third, a single case cannot establish that Arendt's paradox describes every instance of contemporary statelessness; the Rohingya crisis may be an unusually severe case rather than a representative one, and the paper's conclusions should be read as a demonstration that the paradox persists, not a claim that it persists identically everywhere.

Fourth, the paper evaluates only two cosmopolitan counter-frameworks, Benhabib's disaggregated citizenship and R2P; it does not engage in depth with Agamben's biopolitical account, with feminist critiques of humanitarianism, or with the broader Third World Approaches to International Law (TWAIL) literature, which would extend the colonial analysis of Section VII considerably further. Finally, because the ICJ case remains open as of this writing, the paper's assessment of its structural limits is necessarily provisional; a definitive judgment, and Myanmar's response to it, may alter the picture in ways this paper cannot anticipate.

Future research could pursue a comparative design, testing Arendt's framework against other contemporary stateless or quasi-stateless populations—Uyghurs, stateless Kurds, or the Bidoon of the Gulf states—to establish whether the sovereignty gap identified here is general or case-specific. Ethnographic and interview-based research centering Rohingya testimony directly, rather than institutional documentation about the Rohingya, would also address this paper's most significant methodological gap. Finally, quantitative research tracking humanitarian funding levels against protection outcomes in Cox's Bazar over time could test empirically the claim, made here only qualitatively, that Rohingya welfare depends on donor attention rather than enforceable right.

CONCLUSION: WHAT IT WOULD TAKE TO LEAVE ARENDT'S WORLD

This paper began with an individual in Cox's Bazar who has no formal legal existence, and asked what kind of international system permits that condition to persist. The answer, tested against Arendt's paradox, the Rohingya's documented history, and the cosmopolitan frameworks proposed since Arendt's death, is that the paradox still holds. R2P and the ICC are more about aspiration than operation when a state withholds consent, and the sovereignty they run up against is not a neutral but a legal inheritance with a specific colonial history.

The Rohingya crisis exposes the persistent tension between the moral ambitions of international law and the realities of state power. The postwar system tried to build a universal safety net, but left the keys with individual nation-states. By declaring that rights belong to everyone while delegating enforcement to individual governments, the international order locked Arendt's paradox into place. The camps at Cox's Bazar are a physical monument to that failure. Until global law separates basic human protection from state consent, human rights will remain, in practice, a privilege reserved for people with the right paperwork.

Meaningful change would require mandatory statelessness treaties, universal coverage under a refugee convention, and reform of the UN Security Council veto—none of which appears imminent. But understanding the precise shape of the problem, including its colonial roots, is a necessary first step before any of it can be fixed.

Arendt wrote that the deepest injury of statelessness is not merely the loss of freedom, but complete exclusion from any political community's circle of concern. An entire generation of Rohingya has now been born in these camps, stateless from birth. This is not because the world lacks the vocabulary to describe human rights; it is because it lacks the institutional teeth to enforce them. The moment rights depend on citizenship, they stop being human rights and become member rights. Until international law protects people simply because they are human—rather than because they belong to the right state—Arendt's critique will remain an accurate description of the world as it actually operates.

ACKNOWLEDGEMENTS:

I would like to thank my mentor Ms Kanchan Choudhary for her suggestions and her long standing support. I would also like to thank my counsellor Shikha Singh for guiding me throughout my journey writing this paper.

BIBLIOGRAPHY

Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Translated by Daniel Heller-Roazen. Stanford: Stanford University Press, 1998.

Anghie, Antony. *Imperialism, Sovereignty and the Making of International Law*. Cambridge: Cambridge University Press, 2004.

Arendt, Hannah. *The Origins of Totalitarianism*. New York: Harcourt, Brace & Co., 1951.

Benhabib, Seyla. *The Rights of Others: Aliens, Residents and Citizens*. Cambridge: Cambridge University Press, 2004.

Cheesman, Nick. “How in Myanmar ‘National Races’ Came to Surpass Citizenship and Exclude Rohingya.” *Journal of Contemporary Asia* 47, no. 3 (2017): 461–483.

Gündügdu, Ayten. *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants*. Oxford: Oxford University Press, 2015.

International Court of Justice. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*. Provisional Measures Order, January 23, 2020.

International Criminal Court. *Decision on the “Prosecution's Request for a Ruling on Jurisdiction under*

Article 19(3) of the Statute." No. ICC-RoC46(3)-01/18, September 6, 2018.

Nyers, Peter. *Rethinking Refugees: Beyond States of Emergency*. New York: Routledge, 2006.

Rawls, John. *A Theory of Justice*. Cambridge, MA: Harvard University Press, 1971.

United Nations. *Convention Relating to the Status of Refugees*. Geneva: United Nations, 1951.

United Nations. *Convention Relating to the Status of Stateless Persons*. New York: United Nations, 1954.

United Nations. *Convention on the Reduction of Statelessness*. New York: United Nations, 1961.

United Nations General Assembly. *Universal Declaration of Human Rights*. Resolution 217A (X), December 10, 1948.

United Nations General Assembly. *2005 World Summit Outcome Document*. Resolution A/RES/60/1, 2005.

United Nations Human Rights Council. *Report of the Independent International Fact-Finding Mission on Myanmar*. A/HRC/39/64. Geneva: United Nations, 2018.

United Nations Security Council. *Official Record of the 8000th Meeting: The Situation in Myanmar*. S/PV.8000, September 2017.

United Nations High Commissioner for Refugees (UNHCR). *Joint Government-UNHCR Registration Exercise Factsheet: Bangladesh*. Cox's Bazar: UNHCR, 2024.

FOOTNOTES

1. United Nations High Commissioner for Refugees (UNHCR), *Joint Government-UNHCR Registration Exercise Factsheet: Bangladesh* (Cox's Bazar: UNHCR, 2024), 2–4.

2. Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace & Co., 1951), 296.

3. United Nations General Assembly, *Universal Declaration of Human Rights*, Resolution 217A (X), December 10, 1948, Art. 15.

4. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998).

5. Ayten Gündügdu, *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants* (Oxford: Oxford University Press, 2015).

6. Peter Nyers, *Rethinking Refugees: Beyond States of Emergency* (New York: Routledge, 2006).

7. Arendt, *The Origins of Totalitarianism*, 296–297.

8. Ibid., 302.

9. John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 11–12.

10. Myanmar Citizenship Law (Pyithu Hluttaw Law No. 4 of 1982), October 15, 1982, Section II.

11. United Nations Human Rights Council, *Report of the Independent International Fact-Finding Mission on Myanmar*, A/HRC/39/64 (Geneva: United Nations, 2018), 14–16.

12. United Nations, *Convention Relating to the Status of Refugees*, July 28, 1951, United Nations Treaty Series, vol. 189, 137. Bangladesh is not a state party to this convention.

13. International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Oral Proceedings and Merit Hearings (January–February 2026), Verbatim Record CR 2026/2, 12–15.

14. Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens* (Cambridge: Cambridge University Press, 2004), 47–49.

15. United Nations General Assembly, *2005 World Summit Outcome Document*, Resolution A/RES/60/1 (2005), paragraphs 138–139.

16. See United Nations Security Council, *Official Record of the 8000th Meeting: The Situation in Myanmar*, S/PV.8000 (September 2017).

17. International Criminal Court, *Decision on the "Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute"*, No. ICC-RoC46(3)-01/18 (September 6, 2018), paragraph 73.

18. United Nations, *Convention Relating to the Status of Stateless Persons* (1954) and *Convention on the Reduction of Statelessness* (1961). Neither Myanmar nor Bangladesh are signatories to either instrument.

19. Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2004).

20. Nick Cheesman, "How in Myanmar 'National Races' Came to Surpass Citizenship and Exclude Rohingya," *Journal of Contemporary Asia* 47, no. 3 (2017): 461–483.

21. Arendt, *The Origins of Totalitarianism*, 301.