

Exile as a Constitutive Site of Transitional Justice in Deterritorializing Accountability for the Rohingya Genocide

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Abstract

This study will develop exile as a site of transitional justice as a theoretical intervention in transitional justice (TJ) to examine how Rohingya refugees and Myanmar diaspora activist networks produce accountability beyond the territorial, institutional, and political constraints of the Myanmar state. Under conditions of non-transition, authoritarian persistence, and mass displacement, the study will argue that exile functions not as a peripheral space but as a constitutive arena of TJ practice. In this context, displaced communities, exile NGOs, and transnational legal actors construct alternative infrastructures of truth, accountability, and recognition.

The study will advance a dual theoretical framework. First, it will engage transnational transitional justice theory to conceptualize TJ as a deterritorialized and networked field of practice that operates beyond post-authoritarian transitions and nationally bounded institutions. Second, it will draw on diaspora politics and contentious transnationalism to theorize how exile communities convert displacement into a strategic resource for TJ mobilization, evidence production, strategic litigation, narrative authority, and norm shaping. These frameworks will conceptualize transitional justice as a distributed, multi-sited process embedded in transnational civil society, international legal regimes, and refugee political agency.

Empirically, the study will employ qualitative methods through 35 semi-structured interviews of exile organizations, document analysis, digital ethnography and process tracing with Rohingya and Myanmar activists, refugee-led organizations, exile NGOs, documentation groups in Bangladesh, Thailand, Malaysia, and selected Western jurisdictions. The analysis will focus on three interconnected arenas of exile-based transitional justice: (1) refugee- and exile-led documentation and counter-archiving as practices of truth-seeking, memory work, and evidence preservation; (2) strategic litigation through universal jurisdiction and third-state courts as substitute accountability mechanisms; and (3) transnational advocacy linking refugee communities to international TJ institutions, the International Criminal Court, the International Court of Justice, and United Nations investigative bodies.