

ASIA PACIFIC CENTRE - RESPONSIBILITY TO PROTECT

R2P AND THE SUPPORT OF CIVILIAN RESISTANCE IN MYANMAR



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Executive Summary

On 1 February 2021, the Tatmadaw (Myanmar military) staged a coup against the nominal civilian-led government, arresting members of the National League for Democracy (NLD) and reasserting military control. It established an interim State Administration Council (SAC) under a state of emergency. Many civilians in Myanmar responded to the coup through protests and a nation-wide civil disobedience movement (CDM).¹ The military quickly repressed the protest movement with force, including through systematic and widespread human rights violations against civilian protestors. Extrajudicial detention, torture – including sexual violence, and mass killings – have been widely reported, actions that the UN considers amount to crimes against humanity and war crimes.² Despite persistent calls from Myanmar protestors for the international community to intervene under the banner of the responsibility to protect (R2P), international responses to atrocities were minimal and condemnatory statements in international forums such as the UN and ASEAN were not backed by action. Efforts to sanction leading Myanmar officials and apply a rigorous arms embargo on Myanmar were limited to a number of states such as the UK, US, Canada, and the EU, most of whom already had arms embargos in place before the coup, resulting in minimal influence on the internal situation.

On 7 September 2021, convinced that assistance from the international community was not forthcoming, acting president of the self-appointed civilian government, the National Unity Government (NUG) Duwa Lashi La, declared a ‘people’s defensive war,’ calling for a nationwide revolt against the SAC and Tatmadaw. The latter would be led by the various People’s Defence Forces (PDFs). Armed conflict between the Tatmadaw, the PDFs and ethnic armed organisations (EAOs) has created a highly complex and volatile situation across the country and many civilians are facing dire humanitarian conditions with thousands fleeing across the border into Thailand, India and Bangladesh. Resistance to the junta’s rule has proliferated across the country, spreading armed violence to parts of the country that have not experienced conflict since Myanmar’s independence in 1948, and intensifying existing armed conflicts in other areas. New waves of guerrilla warfare, including in urban areas, now map onto decades-old insurgencies.³

The deficient response by the international community to atrocities in Myanmar, despite the overwhelming evidence through social media broadcasting of abuses from inside the country, brings into question the legitimacy and practicability of the R2P doctrine as a tool for the international community to prevent and/or halt mass atrocities. As the orchestrators and perpetrators of violence, the military government of Myanmar is in clear violation of its primary responsibilities for the protection of populations within its borders, and the situation is ostensibly a clear-cut case for the international community to exercise responsibility. However, the highly fragmented armed resistance movement and the fact that some of the PDFs have also been committing human rights violations against SAC officials and Tatmadaw supporters increase the stakes for the international community in seeking to support the restoration of a democratically elected government inside the country.

Geopolitical factors, in particular China’s veto power on the UN Security Council and its longstanding protection of Myanmar from UN Security Council scrutiny and overt Russian support for the SAC,⁴ rule out any prospect of peace enforcement or coercive measures to halt targeted violence. To this end, this report contributes to recent scholarly and practitioner efforts to determine alternative measures for implementing R2P that would yield results for atrocity prevention and civilian protection without resorting to forceful intervention.⁵ It is aimed at members of the international community, including ASEAN members, but also ASEAN dialogue partners and donors in the region, such as Australia, Canada, the European Union, India, Japan, New Zealand, South Korea, the United States, the United Kingdom, that have an interest in supporting atrocity prevention in Myanmar.

We propose that the international community should focus its support for the civilian resistance through peaceful means, including humanitarian, diplomatic and political measures outlined in the report below. Support to **the armed-resistance should remain limited to fostering dialogue and negotiations** across the diverse factions that comprise the armed resistance movement, and delivering training in the area of **international humanitarian and human rights law**. We advise against direct military support through the provision of weapons and combatant training that would escalate and prolong the conflict. Such an outcome would only increase the suffering of civilians in the long-term.

This report broadens analysis to the role of civilian led resistance movements, including armed resistance, grappling with the ethical complexity entailed in supporting civilian movements, in particular, when the civilian movement is a response to both the manifest failure of both the military government (Pillar One of R2P), and the international community (Pillar Three)⁶ to protect the population.

Following an introduction to recent events in Myanmar and an explanation of the existing atrocity prevention framework that currently informs international actors, the report considers political, humanitarian, diplomatic and military options for supporting the self-nominated civilian National Unity Government,⁷ and the PDFs that have taken up arms against the SAC and Tatmadaw.⁸ It concludes by offering a range of recommendations for the international community in formulating both short and longer-term responses to the current situation in Myanmar. It argues that the global

decline in military intervention with a concurrent rise in political coups and civilian-led resistance movements in recent years has reshaped the context for R2P implementation. As a consequence, it is important to grapple with the complexities and longer term implications for civilian populations of varying international tools for supporting populations targeted by military regimes.

In addition to the 'traditional' atrocity prevention toolbox, we recommend the following measures to the international community in pursuing its 'responsibility to protect' the population of Myanmar.

Recommendations:

- **Humanitarian Assistance:** prioritise the delivery of humanitarian assistance in alliance with civil society groups in order not to legitimise the military regime.
- **Legitimacy:** the international community should seek to support democratically elected leadership to respect the will of populations. Further clarification of changing state practice of recognising states only to also recognising governments is needed. The UN General Assembly Credentials Committee needs to establish parameters and consistent practice in dealing with competing claims for state representation at the UN as a signal of international (dis) approval of competing regimes.
- **Accountability:** the international community should continue to pursue measures aimed at bringing Myanmar's leaders to account for large-scale human rights abuses committed against its population. International mechanisms should be backed with a view to supporting a national transitional justice process in the future when circumstances on the ground are conducive. Such a process should be established from the ground up, and work towards building an inclusive narrative of nation-building on which future peace and reconciliation can be built.
- **Capacity building:** the international community should continue to engage civilian government, civil society and EAOs, providing technical assistance in the areas of rewriting the national constitution and building democratic institutions to facilitate a future peace settlement with participation from both the population of Myanmar and the International Community from whom it is seeking formal recognition. Training in human rights and international humanitarian law should be provided to the armed resistance movement to prevent further human rights violations in the country that further undermines prospects for a future political settlement.
- **Foster Dialogue and Negotiation:** The international community should recognise that a new peace process is needed in Myanmar. The National Unity Consultative Council (NUCC) is leading a new domestic-led process backed by the NUG and has the most inclusive representation of various stakeholders. Various factions within the resistance movement still need to find ground on which to cooperate, and inclusive dialogue on the future political settlement for Myanmar is needed before an internationally backed peace agreement can be considered. This includes agreement on the building blocks for a federal system, including proposals to address the rights of minority and stateless groups such as the Rohingya population. The international community should work with the NUG, NUCC and local stakeholders to support a bottom-up approach to building a federal system.
- **Block Funding and Weapons to the SAC and Tatmadaw:** Coordinated global action is needed for sanctions and arms embargos regimes to effectively impede the ability of the SAC to retain an upper hand in the current conflict. The current stalemate will prevent the SAC from coming to the negotiating table.
- **Support Regional Actors:** The international community should work in a coordinated manner to support states that do have ongoing relationships and leverage in Myanmar. In particular, support to ASEAN member states on formulating strategies for negotiating with the different parties in Myanmar and promoting conflict resolution can help confer legitimacy on the organisation and build its capacity to deal with the current situation in Myanmar.

1) What is happening in Myanmar?

On 01 February 2021, the Tatmadaw (Myanmar's military) undertook a coup under the leadership of commander-in-chief Min Aung Hlaing, and declared a yearlong state of emergency which has now been extended until August 2023. De-facto State Counsellor Aung San Suu Kyi, along with President Win Myint and other elected officials and activists were arrested. The coup followed the landslide victory of Suu Kyi's party – the National League for Democracy (NLD) – at the November 2020 general elections.

The Myanmar population rapidly protested the coup, and many were seen marching in the streets with banners calling for the international community to fulfil its 'R2P'. The BBC reported that 'the protests over the coup have been the largest since the so-called Saffron Revolution in 2007, when thousands of monks rose up against the military regime.'⁹ The Tatmadaw has responded with force and has showed no sign of winding back its coup seeking to crush protests.

As a result, the resistance rapidly began organising itself. In February 2021, the Committee Representing Pyidaungsu Hluttaw (CPRH) – the elected Myanmar Parliament – was established. In April 2021, the National Unity Government (NUG) was created. In May 2021, it announced that an armed resistance would be led by newly formed People's Defence Forces (PDFs). In September 2021, the NUG called for a nation-wide 'people's defensive war' against the SAC and the Tatmadaw.

The number of victims is hard to tell, but the Assistance Association for Political Prisoners tally the number of people killed by the Tatmadaw to about 1,557 civilians (as of 16 February 2022).¹⁰ The Office of the High Commissioner for Human Rights has also indicated that 'the Tatmadaw have detained over 10,000 of their opponents arbitrarily' and that many are facing ill-treatment and torture.¹¹ Additionally, the UN Refugee Agency (UNHCR) has estimated that 22,000 people have fled to neighbouring countries since the coup and an additional 235,000 are internally displaced as the result of the clashes between the Tatmadaw, the PDFs and EOAs (as of 15 November 2021).¹²

It is clear that the situation in Myanmar falls under the umbrella of the Responsibility to Protect. A report published by the Office of the United Nations High Commissioner for Human Rights in September 2021 condemned the actions of the Tatmadaw and detailed 'numerous human rights violations and abuses, as well as violations of international humanitarian law, some of which may amount to war crimes. Some violations may also amount to crimes against humanity if they are found to have been committed as part of a widespread and systematic attack against the civilian population.'¹³ These crimes have also been perpetrated on children and medical professionals.

Tom Andrews, the UN Special Rapporteur on the situation of human rights in Myanmar, also warned the UN General Assembly on 22 October 2021 that the situation was getting worse because the Tatmadaw has considerably increased its military deployment in the North of the country and that 'these tactics are ominously reminiscent of those employed by the military before its genocidal attacks against the Rohingya in Rakhine State in 2016 and 2017.' He argued that 'we should all be prepared ... for even more mass atrocity crimes'.¹⁴

It is also important to remember that the Tatmadaw have been known for committing mass atrocities for decades, leading to waves of citizens seeking refuge in neighbouring countries, particularly Thailand and Bangladesh. For instance, it conducted what it called 'clearance operations' from August 2017 which targeted the Rohingya minority and led to a humanitarian emergency involving what the UNHCR Refugee Agency estimated to be over 742,000 refugees.¹⁵ A report published on 24 August 2018 by the Independent International Fact-Finding Mission on Myanmar concluded that 'the gross human rights violations and abuses committed in Kachin, Rakhine and Shan States ... undoubtedly amount to the gravest crimes under international law' and argued that the perpetrators must be investigated for genocide, crimes against humanity and war crimes.¹⁶ It was not the first time this minority group was targeted by the Tatmadaw: the latter conducted several waves of atrocities, in particular in 2012, 2015 and 2016. Considering that 'the same commanders who oversaw the mass atrocity crimes committed against the Rohingya in 2017 are now overseeing the military junta,' the UN has warned that more than 600,000 Rohingya living in Myanmar are in danger today.¹⁷

2) What can the international community do to fulfil its R2P?

This report considers actions that the international community can undertake to fulfil its Responsibility to Protect. Many suggestions have already been put forward.¹⁸ In this section, we begin by having a look at the existing toolkit and the response of the international community so far.

The existing toolkit

As Alex Bellamy explains, it is important to understand that ‘the primary reason as to why some countries with relatively high levels of risk avoid such crimes typically rests within the country itself,’¹⁹ meaning that local dynamics and initiatives are what matter most. That being, there are some tools available to the international community and a lot of progress has been achieved on three distinct areas: early warning, prevention and reaction.

In particular, considerable progress has been made when it comes to **early warning**. Thanks to the development of tools such as the *UN Framework of Analysis for Atrocity Crimes, A Tool for Prevention*, the UN has indeed increased its capacity to detect potential atrocities. The *Framework* (UN 2014) identifies eight risk factors that are common to genocide, crimes against humanity, war crimes and ethnic cleansing: 1) situations of armed conflict or other forms of instability, 2) record of serious violations of international human rights and humanitarian law, 3) weakness of State structures; 4) motives or incentives, 5) capacity to commit atrocity crimes, 6) Absence of mitigating factors, 7) enabling circumstances or preparatory action, and 8) triggering factors.²⁰ It also lists six additional factors for the crimes of genocide, crimes against humanity, and war crimes. Regional organisations such as the European Union have also adopted similar toolkits in recent years.²¹

Similarly, while we have a long way to go when it comes to **atrocity prevention**, some of the progress made should not be neglected. In particular, we now know that atrocity prevention cannot just be conducted through conflict prevention. First because not all atrocity crimes occur during conflicts (such as the ones in Kenya in late 2007 and 2008) or are linked to these conflicts (like the Holocaust), but also because ‘in operational situations, the two mandates often pull in different directions.’²² This can be explained by the fact that atrocity prevention and conflict prevention do not share the same goals and strategies. As Alex Bellamy explains ‘whereas the former tries to find a mutually agreeable settlement, the latter is focused on dissuading an actor from committing atrocities.’²³ As a result, conflict prevention necessitates impartiality, while atrocity prevention leads to the distinction between victims and perpetrators and to taking sides.²⁴ The danger of assuming that conflict prevention will also lead to atrocity prevention was illustrated by what happened in Myanmar in 2017. International actors such as the European Union focused on conflict prevention and democracy promotion in the years leading up to the 2017 atrocities, and this strategy partly led to an underestimation of the threat faced by minorities such as the Rohingya.²⁵

The international community has become aware of the complex relationship between atrocity prevention and conflict prevention and as a result, it is progressively adopting an ‘atrocity prevention lens’²⁶ through the use of specific tools such as the *UN Framework of Analysis* mentioned above, but also through the establishments of ‘focal points,’ which are senior officials in charge of developing national or regional mechanisms for atrocity prevention and promoting international cooperation. 60 states and two regional organizations have indeed nominated a focal point.²⁷ Additionally, whilst disagreements on the scope of atrocity prevention are still ongoing, we know that we need to address the structural challenges that make mass atrocities possible. As Bellamy explains, these include ‘economic development and inequality reduction, good governance, human and minority rights, security sector reform, and the rule of law.’²⁸

Finally, considerable progress has been made when it comes to our understanding of **what the international community can do to react to atrocities that are imminent or ongoing**. Once again, it is important to remember that in many settings, ‘internal dynamics are ultimately more likely to prove decisive than even the most robust available external measures.’²⁹ That being said, the international community can also play a central role (see, for instance, in Kenya and the Ghana) and we now have a stronger understanding of the tools available (beyond the controversial use of force, which should only be considered as a last resort and only in specific circumstances) when atrocities are imminent or ongoing.³⁰ For instance, these include:

- Fighting hate speech (as Johnathan Leader Maynard explains, this can be done persuasively by contesting it, or coercively by preventing its dissemination.³¹ Calls were made to social media platforms like Facebook to fight hate speech during the 2017 atrocities committed in Myanmar³²).
- naming and shaming (for example, by the UN Security Council through a resolution or a presidential statement, but this can also come from different actors such as the UN Secretary-General, the Human Rights Council, the Special Advisors on the Responsibility to Protect and the Prevention of Genocide, or regional and national actors);
- mediation;
- the suspension of diplomatic ties;

- the suspension of membership engagement in regional blocs (such as ASEAN);
- economic incentives (such as debt relief and aid conditionality although these measures work best if there is a risk of atrocities but they have not begun);
- the suspension of aid provided to the government if it is involved in the atrocities;
- breaking economic ties (including encouraging multinational companies to pause operations or consider market exits);
- the threat of criminal prosecution (such as a referral to the International Criminal Court);
- targeted sanctions (such as travel ban or asset freeze);
- arms embargo;
- no-fly zones.

It is important to remember that no tool is perfect. For instance, mediation can have mixed results and works best in the lead up to atrocities and requires the broad support of the international community.³³ Similarly, the imposition of sanctions or the suspension of aid can impact the population more than the perpetrators of the atrocities so it should be considered and implemented carefully. There is also no ‘one size fits all’ approach: what works in one situation might not work in another, and as a result, a tailored approach to the specific situation is required. As Edward Luck, former Special Adviser to the UN Secretary General on the Responsibility to Protect, explained, ‘we are still at the learning stage when it comes to implementation.’³⁴ But despite these limitations, our understanding of the toolkit available has improved over the years.

The international response

Some members of the international community have decided to use a selection of these tools to respond to the violence of the Tatmadaw since the coup. For instance, states and regional organisations such as the United States, Canada, the United Kingdom and the European Union have all imposed sanctions against top leaders in Myanmar’s coup, including the coup leader, Min Aung Hlaing.³⁵ Australia recently passed Magnitsky style laws to sanction individuals charged of human rights abuses and corruption, and although it is yet to sanction Myanmar SAC officials under these new provisions, the fast take-up of this model provides new options for promoting accountability by like-minded states. On 24 April 2021, ASEAN agreed to a ‘5 Point Consensus,’ which called for a cessation of the violence, constructive dialogue, the appointment of a Special Envoy and their visit to the country, and humanitarian assistance.³⁶ On 14 June 2021, the UN General Assembly also passed a resolution that criticised the coup, and called for the release of Min Myint, Suu Kyi and all those who have been arbitrarily detained, the end of the violence, and ‘called on all Member States to prevent the flow of arms to the country.’³⁷

However, tools such as a UN Security Council imposed global arms embargo and targeted sanctions against key individuals and corporations such as Myanmar Oil and Gas Enterprise, identified as essential by UN Special Rapporteur on the situation of human rights in Myanmar Tom Andrews, have not been possible in light of China and Russia’s likely vetoes.³⁸

Despite these shortcomings, international efforts to hold Myanmar’s leaders to account for atrocities committed both prior to and following the 1 February coup are underway. In 2017, the UN Human Rights Council (HRC), in response to Tatmadaw-led clearance operations on Rohingya minorities, set up the International Fact Finding Mission to investigate allegations of serious human rights violations against the Rohingya populations in Myanmar.³⁹ The fact-finding mission released its report in September 2018, concluding that the ‘gravest crimes under international law’ had been committed, and named senior generals of the Myanmar military ‘that should be investigated and prosecuted in an international criminal tribunal for genocide, crimes against humanity and war crimes.’⁴⁰ In September 2018, the Human Rights Council established the Independent Investigative Mechanism for Myanmar (IIMM) to continue the work of the fact-finding mission.⁴¹

Based on the findings of the HRC investigation, the International Criminal Court (ICC) authorised the opening of investigations into allegations of international crimes on 14 November 2019. In the absence of Myanmar’s ratification of the Rome Statute or a Security Council resolution referring the situation to the ICC, the court exercised its jurisdiction in Bangladesh to open investigations and pursue accountability for the extensive violence and deportation of Rohingya civilians across the border of Myanmar into Bangladesh. In 2019, the Gambia submitted charges of genocide against the Myanmar government to the International Court of Justice (ICJ), which instructed the government of Myanmar to ‘take all measures within its power to prevent the commission of all acts within the scope of Article II of this [Genocide] Convention.’⁴²

These avenues for investigation and prosecution have meant that mechanisms were already in place in February 2021 to ramp up monitoring and investigation of the Tatmadaw’s actions towards civilians. In its third report to

the HRC, the IIMM stated that its ‘preliminary analysis of collected information concerning events in Myanmar since the 1 February 2021 military coup indicates that crimes against humanity falling within the Mechanism’s mandate, including murder, persecution, imprisonment, sexual violence, enforced disappearance and torture, have likely been committed.’⁴³

The NLD, when in government, was hostile to the ICC due to its investigations of the atrocities committed against the Rohingya by the Tatmadaw, under leadership of the State Councillor Aung San Suu Kyi. However, the NUG reversed this position on 17 August 2021 when it lodged a declaration with the registrar of the ICC accepting the court’s jurisdiction with respect to all international crimes in Myanmar since 2002, and drew attention to the ‘ongoing atrocity crimes being committed by the military.’⁴⁴ Campaigns by organisations such as *Myanmar Accountability Project*⁴⁵ and *Fortify Rights*⁴⁶ to prosecute Myanmar’s top generals are accompanied by the collection of evidence that could hold in a court of law for prosecution of international crimes. While these efforts have not yielded increased protection for civilian populations, they continue to draw attention to the severity and scale of atrocities being committed in Myanmar and to delegitimise the military regime.

3) Should the international community look beyond the usual toolkit?

The tools above refer to methods aimed at persuading or incapacitating perpetrators from committing ongoing atrocities and seek to alter the overarching context in which repression occurs. As these target the military regime, such tools result in strengthening the position of the civilian opposition movement indirectly. However, the phenomenal scale and strength of the resistance movement in Myanmar raises additional options for the international community to consider in terms of directly supporting civilian opposition and the restoration of democracy. These are options that aim to strengthen the position of the National Unity Government, which is currently backed by scores of citizens engaging in non-violent resistance (such as boycotts) and a smaller cohort engaged in armed resistance. Our aim is to analyse the normative, ethical and policy implications they raise. In particular, we focus on two measures that have been fairly overlooked by the literature so far, but have been considered – and at times, implemented – by the international community in the past. The first is the diplomatic support of the civilian opposition government by the international community, and the second is the military support of the armed resistance. We turn to the option of diplomatic support for the civilian opposition government, under which the armed resistance umbrella has formed, and related diplomatic avenues aimed at restoring democratic leadership.

Diplomatic avenues for support to the civilian-led government

The NLD, led by Aung San Suu Kyi, won a landslide victory in the November 2020 national elections. One month after the February 2021 coup by the military, elected civilian parliamentarians established the Committee Representing the Pyidaungsu Hluttaw.⁴⁷ It has identified the NUG as the ‘legitimate’ government of Myanmar for international relations with foreign governments and international organisations, such as the United Nations, Inter-Parliamentarian Union and ASEAN.⁴⁸ The NUG created a central focus for the pro-democracy factions of the civil resistance movement that had emerged in the wake of the coup.

Non-violent civilian resistance strategies include ‘protests, boycotts, sit-ins, civil disobedience and alternative institutions’⁴⁹ and according to research by the United States Institute of Peace, ‘[n]onviolent resistance has been shown empirically to be twice as effective as armed struggle in achieving major political goals’⁵⁰ (as discussed further below). This section turns to the question of whether the international community should recognise the legitimacy of the shadow government in Myanmar, and what kind of support, if any, it should provide to the civilian resistance movement writ large. The kinds of efforts under question include formal recognition of the NUG as the legitimate government of Myanmar, capacity building, and direct resourcing of the civilian movement.

Diplomatic recognition of the NUG has been a widely contested process since the coup. Many observers argue that governments should formally recognise the NUG to provide a strong statement of their unwillingness to legitimise or engage diplomatically with the military regime. However, most governments around the world follow the practice of recognising *states* (defined objectively by territory, control over populations and effective administration) instead of *governments* that may be a more subjective and contested subject. Although Mexico first started the practice of focusing on states rather than governments in the 1930s, it became widespread in the late 1980s as the international community grappled with its need to establish diplomatic relations with a number of problematic regimes, such as in Afghanistan and Cambodia, without signalling a preference for one faction over another.

While former policy meant that most governments recognised both states and governments in their foreign relations, support for governments was often interpreted as approval of a given regime and therefore a political practice. The reason for the turn in practice is pragmatic; governments around the world may continue dealing diplomatically with states regardless of the regime to provide a level of stability and continuity in foreign relations. The complexity of states making political choices as to which regime they would choose to recognise would force governments into political

dilemmas on a routine basis, and cut off access to regimes where dialogue and engagement is deemed important. Australia has pursued this strategy since 1988,⁵¹ however its (and numerous other governments) recognition of Juan Guaidó as interim President of Venezuela in 2019 indicates a potential reversal of its position on government recognition as a channel for communicating disapproval of a regime.⁵²

International lawyers have called for clearer policy on this revised practice, arguing that it potentially opens a Pandora's Box given the swathe of non-democratic or repressive regimes that currently exist.⁵³ However, formal government recognition may provide an alternative political tool for signalling disapproval of repressive and non-democratic regimes when options are narrow. The question of legitimising a government according to its democratic credentials is highly contestable among Myanmar's ASEAN neighbours given that many of these states themselves are not democratic regimes. Laos and Vietnam are examples, and importantly – given its diplomatic access to the SAC – Thailand is currently ruled by a quasi-military government following the coup led by Prayut Chan-o-cha in 2014. In this context, it is significant that ASEAN chose not to invite the military leader of Myanmar, Senior General Min Aung Hlaing to the October 2021 ASEAN Summit and associated meetings in response to the SAC's non-compliance with the 5-point consensus. It was the first time that ASEAN had withdrawn the invitation to the leader of one of its members (although it has not suspended nor expelled Myanmar from the organisation, an unprecedented act that would require all remaining 9 members to vote in favour) to signal disapproval of its actions.⁵⁴ One month later in November 2021, ASEAN invited a member of the NUG to a regional conference on climate change and disaster resilience, formally engaging the NUG as the representative government for the first time since the coup.⁵⁵

Providing credentials to an appointed official to represent its country at the UN is a different matter to state recognition, but it does serve as an additional proxy of international legitimacy for member of the international community to advocate alongside its domestic recognition practices. Refusal to provide UN credentials to a regime's representative has been used (sparingly) to signal disapproval of a regime by the international community in the past.⁵⁶ In 2021, the nine member UN General Assembly Credentials Committee received two cases of high-profile competing requests for UN credentials, one by the Taliban that seized power in Afghanistan in August 2021, and the other by the Myanmar junta. The committee deferred their requests in December, denying them formal representation in the UN system. The move left the question of UN representation by both states open until the reconvening of the committee in September 2022, allowing the representatives of the former governments to hold their UN seats, and temporarily denied conferring international legitimacy onto both regimes.⁵⁷

Although the question of government recognition has not been resolved, the international community has been able to signal its disapproval of the SAC through the credential process. At the same time, state actors need to retain a level of formal engagement with the SAC in order to address both immediate humanitarian needs of the population, and to facilitate a longer-term negotiated peace process.

In addition to the question of political engagement is the immediate challenge of addressing the humanitarian needs of populations directly affected by the internal conflict. The humanitarian situation in Myanmar is deteriorating. By the end of 2021, the UN humanitarian appeal of USD 277 million was short by nearly USD 70 million; the humanitarian funding requirement for 2022 is triple that of 2021 at nearly USD 830 million.⁵⁸ With the collapse of the national peace process that had started in 2012, the International Crisis Group (ICG) argues that international donors 'should shift focus from supporting the peace process to assisting people in conflict-affected areas. International actors should avoid pressuring ethnic armed groups into new ceasefires, engage with the parallel government and other opposition representatives, and work with local civil society organisations to address humanitarian needs.'⁵⁹

Finally, the international community can support civil society and local networks through capacity building, financial and technical assistance, and by supporting a new dialogue process across the various factions of the resistance movement.⁶⁰ This should include providing training on the fundamentals of democratic governance that would need to be included in a future political settlement.⁶¹ The NUCC should be the focus of these efforts given that they have the widest representation of opposition stakeholders. Support should be carefully measured given that the NUCC is still resolving key issues around trust, authority, shared objectives, and recognising that several key actors are not represented in the NUCC. Nonetheless, it represents the most representative group cooperating on a domestic-led transition process in Myanmar's history, and the international community must prioritise an internally driven process in order for peace in Myanmar to be sustainable for the long-term.⁶² There is strong opposition among the resistance movement for negotiation or a power-sharing arrangement with the SAC,⁶³ therefore prospects for a negotiated outcome still remains a long-term objective that requires sustained political engagement.

The above discussion points to areas of diplomatic recognition, humanitarian assistance and political support to the non-resistance movement are viable alternatives that the international community can feasibly employ in Myanmar given the tight constraints for manoeuvre in the current context. Clarification by states and the UN on their evolving practice on recognising governments is important, however this is a longer-term process that will not be resolved in the short to mid-term response to the current crisis. Humanitarian assistance and political support to the

non-violent civilian are options that are immediately feasible and while these will not transform the conflict itself, they will assist in ameliorating the current situation for the most vulnerable populations and future prospects for a sustainable political settlement.

Military support of the armed resistance

Having discussed how diplomatic support for the civilian opposition government could be undertaken, we now explore whether the international community should consider offering military support to the civilian-led armed resistance.

Broadly speaking, members of the international community might find this option attractive for several reasons. It can be seen as an additional tool to help discharge their responsibility to protect, especially in cases where a full-blown military intervention is not possible because of a stalemate in the UN Security Council (like Myanmar) or because it would do more harm than good. Additionally, the military support of the armed resistance is more cost effective than a full-blown military intervention and does not endanger the lives of the soldiers of the contributing states, making it much easier to gain domestic support. Finally, as James Pattison argues, ‘the arming of rebels can more easily be carried out covertly, that is, out of the public gaze and without the widespread knowledge of the international community.’⁶⁴

We however argue that this option is not desirable – not only in Myanmar, but also more generally – and should not routinely be added to the atrocity prevention toolkit. We begin by explaining some of the arguments used to reach this conclusion before applying them to Myanmar. First, in many settings, it would be difficult to establish the legitimacy of the armed resistance. As Pattison explains, ‘it can be very difficult to determine precisely who the rebels are (especially when there is more than one rebellious faction, as has often been the case) and... if they were to get in power, whether they would be likely to be better than the current government.’⁶⁵

Additionally, arming the resistance also often leads to an escalation and a spread of the conflict, and to increased number of civilian deaths.⁶⁶ Some might be tempted to argue that arming the resistance is acceptable when the current regime is being propped up by other powers because it aims to level the playing field. However, if this is the case, the risk of escalation can only be expected to be higher and, in some cases, will even lead to a proxy war.

Finally, studies on the long terms effects of armed resistance only add concerns. Chenoweth and Stephan found that 57% of non-violent campaigns lead to democracy (within 5 years of the campaign ending), versus 6% in the case of violent campaigns.⁶⁷ It is also common for weapons to fall in the hands of other groups, including terrorist ones, leading to instability in the country and beyond.⁶⁸ Afghanistan proved to be a good example of this risk. As such, the military support of armed resistance groups by the international community should be seen as undesirable.

Some might be tempted to argue that Myanmar could constitute an exception since the armed resistance is somewhat organised and is fighting a clearly illegitimate regime which has a track record of committing atrocities against minorities such as the Rohingya population. However, our recommendation to not offer military support to the armed resistance remains, on the basis that it would likely cause more harm than good.

The armed resistance in Myanmar is comprised of the PDFs (primarily youth, and democracy activists) in cooperation with a patchwork of EAOs (many with their own long histories of internal conflict), and as such, it is not a united movement. PDFs troops are inexperienced, receiving training from EAOs with combat experience and defected Tatmadaw soldiers.⁶⁹ External funding and arming of the armed resistance is coming from a small number of countries including China⁷⁰ and Thailand. However, even though various EAOs have been able to establish themselves throughout the years and are limiting the reach of the Tatmadaw in some regions, the Tatmadaw has decades of counter-insurgency experience and an extensive administrative apparatus, coordinated through the General Administrative Department. The latter reaches deep into the local urban ward and village levels and enables the Tatmadaw regime to exercise its comprehensive security and intelligence apparatus across the territories under its governance.⁷¹

While some EAOs are navigating a complex relationship with both the NUG and the Tatmadaw in order to maintain fragile ceasefires and avoid conflict, a number of EAOs have pitted themselves against both the Tatmadaw and each other, and have used the current disorder in the country to consolidate their own territorial and political strategic gains in their own regions of influence. A number of volatile conflict situations have re-erupted, and the Tatmadaw is facing multiple battlefronts in its efforts gain control inside the country. Therefore, the armed resistance movement is fragmented with complex and fluid alliances and arrangements, and beyond opposition to the Tatmadaw, there is little consensus on other issues.⁷²

The declaration of the people’s defensive war came just before the convening of the UN General Assembly credentials committee to determine the formal representation for Myanmar at the UN. According to the ICG, this development has been detrimental to the civilian resistance movement in terms of garnering international support:

the call for war has complicated its [the NUG's] diplomatic efforts. Inevitably, the NUG will now be seen as a party to a conflict, rather than a purely political entity. Despite its efforts to come up with a code of conduct for resistance forces, it also risks being perceived as endorsing tactics that have included the killing of civilians and the use of indiscriminate weapons.⁷³

The decision to take up arms was poorly received by members of the international community such as the United Kingdom and the United States that had been more willing to support a non-armed resistance movement.⁷⁴ The violent and fragmented character of the armed resistance draws parallels to past interventions supported by Western governments, most recently Libya, Syria, and Afghanistan that have escalated into protracted civil conflict without prospects for meaningful restoration of democratic governance or stability.

Based on this analysis, it would be unwise to add the military support of the armed resistance to the toolkit of atrocity prevention and reaction since the expected negative shortfalls of such practice would outweigh the positive ones. This does not mean that the international community cannot discharge its responsibility to protect in other ways, but the military support of the armed resistance is not an option that should be routinely undertaken.⁷⁵ Importantly, in the case of Myanmar, China would not tolerate Western military intervention into a civil conflict on its border. Should members of the international community set out on a path of minimal military support, it would be positioning local armed fighters for failure given that Russia has already shown its willingness to arm the Tatmadaw. Such support would likely fuel the conflict and increase civilian suffering as a result.

We do not rule out the possibility of limited international support for armed resistance as a last resort measure, however, the above section identified the limited scope and overall undesirability of providing military support to the armed resistance due to the strong likelihood of conflict escalation and intensified repression.

We do recognise, however, that community self-protection through the PDFs and EAOs are the only civilian protection mechanism across Myanmar when civilian populations are subjected to military offensives. To this end, we recommend that non-military support to the armed opposition can be considered. Non-military support for civilian opposition groups that could also bolster their ability for community self-protection and access to humanitarian assistance include the declassification of intelligence assessments regarding the Tatmadaw, identification and removal of listening posts used by the Tatmadaw to spy on civilian populations, and provision of internet connection and communications such as Starlink satellite dishes⁷⁶ to allow for communication that is not controlled by the Tatmadaw.

The NUG should be supported in implementing the *Basic Principles of the People's Defence Force* and the *Military Code of Conduct for the People's Defence Force* that 'sets out Rules for soldiers, for prisoners of war (POWs) on the relations with civilians, including women and children.'⁷⁷ Capacity building and support to the NUG by external supporters can serve as a channel for bringing the military behaviour of the PDFs into line with international humanitarian and human rights laws, and operating as a means of security sector reform.⁷⁸

4) Avenues for the international community to support peace in Myanmar

The complexity and protracted nature of the conflict situation in Myanmar means that international actors should concentrate their efforts on **providing urgent humanitarian assistance** to the civilian population and recovery of basic infrastructure and services, particularly health and education.

The delivery of Covid-19 and standard vaccines have been disrupted and basic access to health care severely hindered by the participation of medical practitioners in the civil disobedience movement. In this context, civilians are paying a high price for the ongoing conflict. International actors need to work cooperatively with each other and international agencies that are able to negotiate and facilitate access of humanitarian assistance, without bolstering the legitimacy of the SAC.

Diplomatic efforts should aim to **block legitimacy, funding and weapons to the SAC** and Tatmadaw, while the legitimacy of the NUG should be reinforced in recognition of the democratically elected leaders of the country. The NUG has made important concessions to ethnic opposition groups by promising to write a new constitution and offering political positions. However, the sustained prominence of the former NLD-leadership in the group creates internal tension when considering the future composition of a civilian-led government. The international community should be aware of the nuances and historical grievances between the central government in Myanmar and the ethnic organisations in mediating any future negotiations on a political settlement. Support for dialogue must remain focussed on inclusivity and democratic process, avoiding the pitfalls of failed international mediation efforts in the recent peace process.⁷⁹

Most states have limited leverage in Myanmar. Members of the **international community should work closely with states that do have leverage in Myanmar**, and opt for collective and coordinated action by groups of like-minded states over unilateral actions when formulating its responses.

Many members of the international community are calling on ASEAN to take the lead in finding a solution to the crisis, however individual **Dialogue Partner states and donors should support ASEAN** by working with them to identify potential strategies and to build their capacity in regional conflict resolution efforts.⁸⁰ ASEAN Dialogue Partners should provide concrete support to ASEAN such as providing personnel to assist in the implementation of this agenda.

Diplomatically, members of the intentional community should continue to **pursue accountability** measures to deter Myanmar's leaders from committing further atrocities, and to maintain international attention to the violations that will further challenge the legitimacy of the SAC. These mechanisms include ongoing fact-finding and investigation work by the Human Rights Council special procedures, the Independent Investigative Mechanisms on Myanmar and NGOs. The international community should support proceedings underway in the International Court of Justice (The Gambia vs Myanmar) and investigations in the ICC. Domestically, states can consider implementing universal jurisdiction, and applying Magnitsky-style laws to sanction high-level individuals accused of serious human rights violations and corruption in Myanmar.

Taken as a whole, these accountability measures may not directly benefit the civilians in Myanmar through protective outcomes, but will address the impunity gap that has created a permissive environment through which Myanmar's leaders have engaged in ongoing atrocities against its own population. For the longer-term political transition, a meaningful, nationwide, transitional justice process will be needed. The international community can and should provide capacity-building, technical, financial and logistical support to assist in a nation-wide healing process, and to build peace following decades of military rule and mistrust.

Supporting the armed resistance raises complex ethical and strategic concerns. The people's defensive war is not a united movement, nor are prospects for the creation of a federal army realistic. Numerous battlefronts created by many factions representing the resistance and non-aligned EAOs fighting their own wars present a serious military challenge to the Tatmadaw. However, there is evidence that some of these factions are also violating basic international humanitarian and human rights law.⁸¹ Historical grievances between EAOs that are backing the movement also raise the likelihood of further factions and prolonged civil conflict in the future. The resistance is united only in its opposition to the SAC, not in its long-term political settlement objectives. There is insufficient evidence that militarily supporting the armed resistance will de-escalate the current conflict, prevent atrocities or precipitate a return to democracy.

We thus propose that **support for the armed-resistance should remain limited to fostering dialogue and negotiations** across the diverse factions that comprise the armed resistance movement, and delivery of training in the area of **international humanitarian and human rights law**. We advise against direct military support through the provision of weapons and combatant training that would escalate and prolong the conflict. Such an outcome would only increase the suffering of civilians in the long-term.

Conclusion: Broader implications

In light of the analysis above, what are the normative and policy implications for the R2P norm in the context of civilian resistance in Myanmar?

Despite initial calls from Myanmar civilians for an R2P-styled military intervention into Myanmar, the international community was not forthcoming in sending a peace-enforcement operation or conducting a military intervention on humanitarian grounds. There were major shortcomings of the international community in coordinating a global response to pressure the SAC and the Tatmadaw to halt their repression of the civilian population. The failure of the international community to come to the aid of civilians during a period of escalating government repression and systematic human rights abuses has provided further justification for the PDFs to take up arms to defend themselves.

This brief has argued that the formation of a visible civilian-led resistance movement does present the international community with a number of avenues to support capacity, dialogue and proposals for inclusive modes of government that are needed for any future restoration of peace and stability in the country. Ultimately, the transition to peace and democratic governance in Myanmar needs to come from within. To this end, more thinking is needed around the question of what the international community should do to promote nonviolent movements since they are more effective than violent resistance (as discussed in part 3), and to articulate how these strategies relate to the international community's wider objectives for supporting R2P.

The tragic turn of events in Myanmar has drawn attention to the limits of implementing R2P through sanctions, arms embargoes and military intervention in certain contexts. The military regime in Myanmar functioned as a pariah for five decades before the brief period of semi-democratic transition (2011-2021). The Tatmadaw had proved itself resilient in the context of international sanctions, arms embargos and exclusion from international political

forums. With ongoing support and arms supply from Russia and China, the international community has very little leverage to influence or pressure the military regime.

Events in Myanmar are not, however, stand-alone. Global trends have shown that there has been an up-surge in both coups and civilian resistance movements.⁸² Covid-19 has stimulated a global financial downturn and heightened the focus of policy making on domestic recovery. To this end, working with civilian resistance movements provides a focus for international policy making to help foster nation building and peacebuilding projects from the grass-roots level. This does mean that the international community must tread difficult waters given the complexity of local and historical internal conflicts. Short-term humanitarian assistance will help address immediate needs and is vital, but long-term peacebuilding and political transition are needed to reverse the structural context that has enabled the Tatmadaw to brutally repress the civilian populations with impunity, and through which largescale atrocities can be quickly mobilised.

With this context in mind, states and international institutions must invest in developing meaningful relationships with civil society partners and democratically elected leaders. They should develop atrocity prevention capabilities, to link up early warning data with coordinated early response to crises in which atrocities are being committed. This may require mainstreaming atrocity prevention within other areas of foreign policy programming and diplomacy. Importantly, institutional reforms to develop new capabilities and avenues for preventing and halting atrocities within the context

of a discernible civilian resistance movement is needed to recognise both the opportunities and limits of international engagement.

References

- Arnold, Matthew B. Brief 4: Myanmar's Shadow War: The Role of Local Administrators in the SAC Military Regime. 12 November 2021. Paper on file with Cecilia Jacob.
- ASEAN. 'Chairman's Statement on the ASEAN Leaders' Meeting'. 24 April, 2021. <https://asean.org/wp-content/uploads/Chairmans-Statement-on-ALM-Five-Point-Consensus-24-April-2021-FINAL-a-1.pdf>.
- Asia Pacific Centre for the Responsibility to Protect. 'Myanmar and the Responsibility to Protect'. 30 April, 2021. <https://r2pasiapacific.org/article/2021/04/myanmar-and-responsibility-protect>.
- Assistance Association For Political Prisoners (Burma). 'Political Prisoners Post-Coup.' Accessed 06 December, 2021. <https://aappb.org>.
- BBC News. 'Syria profile – Timeline'. Last updated 14 January, 2019. <https://www.bbc.com/news/world-middle-east-14703995>.
- Bellamy, Alex. 'Mass atrocities and armed conflict: Links, distinctions, and implications for the Responsibility to Prevent.' February 2011. <https://www.stanleyfoundation.org/publications/pab/BellamyPAB22011.pdf>.
- Bellamy, Alex. 'Operationalising the 'atrocities prevention lens': Making prevention a living reality.' In *Reconstructing Atrocity Prevention*. Edited by Sheri Rosenberg, Tibi Galis, and Alex Zucker. New York: Cambridge University Press, 2016. Pp. 61-80.
- Aye Chan and Billy Ford. 'A New Myanmar Forum Aims to Unite Democratic Forces.' United States Institute of Peace. 3 November 2021. <https://www.usip.org/publications/2021/11/new-myanmar-forum-aims-unite-democratic-forces>
- Chenoweth, Erica and Maria J. Stephan. 'How the world is proving Martin Luther King right about nonviolence.' 18 January, 2016. <https://www.washingtonpost.com/news/monkey-cage/wp/2016/01/18/how-the-world-is-proving-mlk-right-about-nonviolence/>.
- Chenoweth, Erica and Maria J. Stephan. *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict*. New York: Columbia University Press, 2011.
- Cook, Alistair D.B.. 'Myanmar: Time for New Regional Diplomacy.' *RSIS Commentary*. Singapore: Rajaratnam School of International Studies. <https://www.rsis.edu.sg/rsis-publication/nts/myanmar-time-for-new-regional-diplomacy/#.YdzqC9DP2UI>
- Coppel, Nicholas. The Nature, Scope and Limits of International Responses to Myanmar's Coup. In Justine Chambers, Nicola S. Williams, Michael Dunford and Dinith Adikari, *Myanmar in Crisis: Living with the Pandemic and the Coup* Singapore: ISEAS-Yusof Ishak Institute (forthcoming, 2022).
- Cuddy, Alice. 'Myanmar coup: What is happening and why?'. BBC News. 01 April, 2021. <https://www.bbc.com/news/world-asia-55902070>.
- Evans, Gareth. 'The Responsibility to Protect the People of Myanmar'. Australian Outlook. 08 April, 2021. <https://www.internationalaffairs.org.au/australianoutlook/the-responsibility-to-protect-the-people-of-myanmar/>.
- Evans, Gareth. 'What Can Be Done About Syria?'. 16 July, 2013. <http://www.gevans.org/speeches/speech526.html>.
- Evans, Gareth and Bruce Grant (1995). *Australia's Foreign Relations in the World of the 1990s*, 2nd ed, Melbourne: Melbourne University Press.
- Ford, Bill and Jason Tower. 'Myanmar Struggles to Reverse a Coup; Democracies Can Help.' United States Institute of Peace. 9 December 2021. <https://www.usip.org/publications/2021/12/myanmar-struggles-reverse-coup-de>

- Fortify Rights. 'Myanmar: Engage the International Criminal Court to Hold Military Perpetrators of Mass Atrocity Crimes Accountable'. 19 August 2021. <https://www.fortifyrights.org/mya-inv-2021-08-19/>
- Gladstone, Rick. 'U.N. Seats Denied, for Now, to Afghanistan's Taliban and Myanmar's Junta'. *The New York Times*. 1 December 2021. <https://www.nytimes.com/2021/09/11/world/un-ambassadors-myanmar-afghanistan.html>.
- Global Centre for the Responsibility to Protect. 'Members of the Global Network of R2P Focal Points.' Last modified 08 November, 2020. <https://www.globalr2p.org/resources/members-of-the-global-network-of-r2p-focal-points/>. The two regional organizations are the European Union and the Organization of American States.
- Gravers, Mikael. 'A tentative unity among Myanmar's anti-coup forces'. *East Asia Forum*. 8 June 2021. <https://www.eastasiaforum.org/2021/06/08/a-tentative-unity-among-myanmars-anti-coup-forces/#more-357828>
- Hurst, Daniel and Ben Doherty. 'Australia to face pressure to use new Magnitsky-style laws against Myanmar and Chinese officials.' *The Guardian*. 2 December 2021. <https://www.theguardian.com/australia-news/2021/dec/02/australia-to-face-pressure-to-use-new-magnitsky-style-laws-against-myanmar-and-chinese-officials>.
- International Court of Justice. 2020. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar) Request for the indication of provisional measures. Summary 2020/1 23 January 2020, accessed 17 February 2020, <https://www.icj-cij.org/files/case-related/178/178-20200123-SUM-01-00-EN.pdf>.
- International Crisis Group. 'Myanmar's Coup Shakes up its Ethnic Conflicts.' Asia Report No.319. 12 January 2022. <https://d2071andvip0wj.cloudfront.net/319-myanmar-coup-ethnic-conflicts.pdf> p.3. International Crisis Group (ICG). 'The Deadly Stalemate in Post-coup Myanmar.' Crisis Group Asia Briefing N°170 Yangon/Bangkok/Brussels, 20 October 2021. <https://www.crisisgroup.org/asia/south-east-asia/myanmar/b170-deadly-stale-mate-post-coup-myanmar>
- Jacob, Cecilia and Martin Mennecke(eds), *Implementing the Responsibility to Protect: A Future Agenda*. Oxon: Routledge, 2020.
- Jacob, Cecilia. 'Navigating between Pragmatism and Principle: Australia's Foreign Policy Response to the 2017 Rohingya Crisis,' *Global Responsibility to Protect*, 13(2-3) (2021), 186-217.
- L'Express. 'Qui livre des armes à qui?' June 15, 2012. https://www.lexpress.fr/actualite/monde/proche-moyen-orient/syrie-qui-livre-des-armes-a-qui_1126823.html.
- Laub, Zachary. 'Syria's Civil War: The Descent Into Horror.' 17 March, 2021. <https://www.cfr.org/article/syrias-civil-war>.
- Leader Maynard, Johnathan. 'Combating atrocity-justifying ideologies.' In *The Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention*, edited by Serena Sharma and Jennifer Welsh. Oxford: Oxford University Press, 2015. Pp. 189-225.
- Luck, Edward. 'Roots of ambivalence: The United Nations, genocide, and mass atrocity prevention.' In *Preventing Mass Atrocities: Policies and Practices*, edited by Barbara Harff and Ted Robert Gurr. Abingdon: Routledge, 2018. Pp. 156-175.
- Lindsay Maizland. 'Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict.' *Backgrounder*. Council on Foreign Relations. <https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya>.
- Moore, Matthew. 'Selling to Both Sides: The Effects of Major Conventional Weapons Transfers on Civil War Severity and Duration.' *International Interactions* 38 (3) (2012): pp. 335-353.
- National Unity Government, Press Release (3/2021), 3 June 2021, Point 5. [Press Release \(3/2021\) – National Unity Government \(nugmyanmar.org\)](https://www.nugmyanmar.org/press-release-3-2021).
- Pattison, James. 'The ethics of arming rebels'. *Ethics and International Affairs* 29 (4) (2015), pp.455-456.

- Reike, Ruben. 'Conflict prevention and R2P.' In *The Oxford Handbook of the Responsibility to Protect*, edited by Alex Bellamy and Tim Dunne. Oxford: Oxford University Press, 2016. Pp. 581-603.
- Catherine Renshaw. 'The battle for Myanmar's seat in the UN General Assembly.' *The Interpreter*, 10 August 2021. <https://www.lowyinstitute.org/the-interpreter/battle-myanmar-s-seat-un-general-assembly>.
- Rothwell, Donald R. 'The barely-noticed momentous change to Australian foreign policy.' *The Interpreter*, 14 February 2019. [The barely-noticed momentous change to Australian foreign policy | The Interpreter \(lowyinstitute.org\)](https://www.lowyinstitute.org/the-interpreter/barely-noticed-momentous-change-to-australian-foreign-policy).
- Sharma, Serena and Jennifer Walsh(eds), *The Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention*. Oxford: Oxford University Press, 2015.
- Sharp, Gene. *The Politics of Nonviolent Action*. Boston: Porter Sargent, 1973.
- Staunton Eglantine and Jason Ralph. 'The Responsibility to Protect norm cluster and the challenge of atrocity prevention: An analysis of the European Union's strategy in Myanmar.' *European Journal of International Relations* 26 no. 3 (2020): 660-686.
- Straus Scott. *Fundamentals of Genocide and Mass Atrocity Prevention*. Washington, DC: United States Holocaust Memorial Museum, 2014.
- The Irrawaddy. 'ASEAN Invites Minister From Myanmar's Shadow Civilian Govt to Climate Conference. 22 November 2021' *The Irrawaddy*, 22 November 2021. <https://www.irrawaddy.com/news/burma/asean-invites-minister-from-myanmars-shadow-civilian-govt-to-climate-conference.html>
- The New York Times. 'Facebook admits it was used to incite violence in Myanmar.' 06 November, 2018. <https://www.nytimes.com/2018/11/06/technology/myanmar-facebook.html>.
- UN General Assembly. 'General Assembly Reappoints Secretary-General to Second Five-Year Term, Adopting Resolution Condemning Lethal Violence by Myanmar's Armed Forces'. 18 June, 2021. <https://www.un.org/press/en/2021/ga12339.doc.htm>.
- UN Human Rights Council. 'Report of the Independent Investigative Mechanism for Myanmar.' A/HRC/48/18. 5 July 2021.
- UN Human Rights Council. 'A/HRC/48/67: Written updates of the Office of the United Nations High Commissioner for Human Rights on the Situation of human rights in Myanmar'. 16 September, 2021. https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_48_67.pdf.
- UN Human Rights Council. Report of the independent international fact-finding mission on Myanmar. 12 September 2018, A/HRC/39/64. https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_64.pdf
- UN Human Rights Council, Situation of Human Rights of Rohingya Muslims and other minorities in Myanmar. 3 October 2018, A/HRC/RES/39/2
- UN Human Rights Council. 'Myanmar: Bachelet deplores conviction and sentencing of Aung San Suu Kyi'. 06 December, 2021. <https://www.ohchr.org/en/newsevents/pages/displaynews.aspx>.
- UN Human Rights Council. 'Myanmar: UN expert fears spike in atrocities amid reports of troops massing in north.' 22 October, 2021. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=27693>.
- UN Human Rights Council. 2017. Situation of Human Rights in Myanmar. 24 March 2017, A/HRC/RES/34/22.
- UN News. 'Myanmar: UN expert says current international efforts failing, urges 'change of course''. 22 September, 2021. <https://news.un.org/en/story/2021/09/1100752>.
- UNHCR (United Nations High Commissioner for Refugees). 'The Rohingya emergency'. <https://www.unhcr.org/en-au/rohingya-emergency.html>.

- UNHCR. 'Myanmar Emergency Update.' November 15, 2021. <https://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar%20Emergency%20Update%20-%2015%20November%202021.pdf>.
- United Nations, 'Framework of Analysis for Atrocity Crimes: A Tool for Prevention.' 2014. https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.49_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf.
- United Nations Office for the Coordination of Humanitarian Assistance. Myanmar Humanitarian Response Plan 2021. <https://fts.unocha.org/appeals/1046/summary>
- United States Institute of Peace, 'Billy Ford on Myanmar's Resistance Movement,' *On Peace* Podcast, 13 January 2022. <https://usip.podbean.com/e/billy-ford-on-myanmar-s-resistance-movement/>.
- United States Institute of Peace. 'Why all the coups?,' <https://www.usip.org/whyallthecoups>.
- Vaphual and Rebecca Ratcliffe. 'Myanmar's UN envoy under fire for proposing 'power share' with military.' *The Guardian*, 4 February 2022.
- Welsh, Jennifer. 'Applying conflict prevention tools in atrocity crime settings.' In *The Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention*, edited by Serena Sharma and Jennifer Welsh. Oxford: Oxford University Press, 2015. Pp. 103-118.
- Woocher, Lawrence. 'The responsibility to prevent: Toward a strategy.' In *The Routledge Handbook of the Responsibility to Protect*, edited by Andy Knight and Frazer Egerton. New York: Routledge, 2012. Pp. 22-35.
- Zunes, Stephen. 'Supporting non-violence in Syria.' *Foreign Affairs*, 20 December, 2012. <https://foreignpolicy.com/2012/12/20/supporting-non-violence-in-syria/>.

Webpages:

- 'People's Defense Army,' the Official Website of the National Unity Government. <https://mod.nugmyanmar.org/en/peoples-defence-force/>
- Committee Representing Pyidaungsu Hluttaw. 'Who we are.' <https://crphmyanmar.org/who-we-are/>
- The Myanmar Accountability Project webpage is found at <https://the-world-is-watching.org/our-team/>
- United Nations Human Rights Council. 'Independent Investigative Mechanism for Myanmar'. <https://www.ohchr.org/EN/HRBodies/HRC/IIMM/Pages/Index.aspx>.
- United States Institute of Peace. 'Nonviolent Action,' <https://www.usip.org/issueareas/nonviolent-action>

1. Endnotes

- 1 The CDM was started by health workers and went to include up to 400,000 civil servants. Some from the private sector initially joined too. Today, the CDM is run by the National Unity Government (NUG) and focuses on the civil servants (getting those striking paid) and getting new military recruits.
- 2 United Nations Office of the High Commissioner for Human Rights. 'Myanmar: UN expert fears spike in atrocities amid reports of troops massing in north.' 22 October 2021. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=27693>
- 3 Lindsay Maizland. 'Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict.' *Backgrounder*. Council on Foreign Relations. <https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya>.
- 4 Alistair D.B. Cook. 'Myanmar: Time for New Regional Diplomacy.' *RSIS Commentary*. Singapore: Rajaratnam School of International Studies. <https://www.rsis.edu.sg/rsis-publication/nts/myanmar-time-for-new-regional-diplomacy/#.YdzqC9DP2UI>
- 5 For recent scholarship, see contributions to Cecilia Jacob and Martin Mennecke, *Implementing the Responsibility to Protect: A Future Agenda*. Oxon: Routledge, 2020.
- 6 Pillar Two of R2P, that of international assistance, was not an option in this instance given the unwillingness of the SAC to cooperate with the international community on protection for the civilian population.
- 7 Most of whom are elected officials.
- 8 'People's Defence Army,' the Official Website of the National Unity Government. <https://mod.nugmyanmar.org/en/peoples-defence-force/>
- 9 Cuddy, Alice. 'Myanmar coup: What is happening and why?.' BBC News. April 01, 2021. <https://www.bbc.com/news/world-asia-55902070>.
- 10 Assistance Association For Political Prisoners (Burma). 'Political Prisoners Post-Coup.' Accessed December 06, 2021. <https://aappb.org>.
- 11 UN Human Rights. 'Myanmar: Bachelet deplores conviction and sentencing of Aung San Suu Kyi.' December 06, 2021. <https://www.ohchr.org/en/newsevents/pages/displaynews.aspx>.
- 12 UNHCR. 'Myanmar Emergency Update.' November 15, 2021. <https://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar%20Emergency%20Update%20-%202015%20November%202021.pdf>.
- 13 UN Human Rights Council. 'A/HRC/48/67: Written updates of the Office of the United Nations High Commissioner for Human Rights on the Situation of human rights in Myanmar.' September 16, 2021. https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_48_67.pdf.
- 14 UN Human Rights. 'Myanmar: UN expert fears spike in atrocities amid reports of troops massing in north.' October 22, 2021. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=27693>.
- 15 UNHCR (United Nations High Commissioner for Refugees). 'The Rohingya emergency.' Accessed August 23, 2019. <https://www.unhcr.org/en-au/rohingya-emergency.html>.
- 16 UN Human Rights Council. 'Report of Independent International Fact-Finding Mission on Myanmar.' August 27, 2018. <https://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/ReportoftheMyanmarFFM.aspx>.
- 17 UN News. 'Myanmar: UN expert says current international efforts failing, urges 'change of course'' September 22, 2021. <https://news.un.org/en/story/2021/09/1100752>.
- 18 See, for instance, Asia Pacific Centre for the Responsibility to Protect. 'Myanmar and the Responsibility to Protect.' April 30, 2021. <https://r2pasiapacific.org/article/2021/04/myanmar-and-responsibility-protect>.
- 19 Bellamy, Alex. 'Operationalising the 'atrocities prevention lens': Making prevention a living reality.' In *Reconstructing Atrocity Prevention*. Edited by Sheri Rosenberg, Tibi Galis, and Alex Zucker. New York: Cambridge University Press, 2016. P. 64.
- 20 United Nations, 'Framework of Analysis for Atrocity Crimes: A Tool for Prevention.' 2014. https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.49_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf.
- 21 Staunton Eglantine and Jason Ralph. 'The Responsibility to Protect norm cluster and the challenge of atrocity prevention: An analysis of the European Union's strategy in Myanmar.' *European Journal of International Relations* 26 no. 3 (2020): 660-686.
- 22 Luck, Edward. 'Roots of ambivalence: The United Nations, genocide, and mass atrocity prevention.' In *Preventing Mass Atrocities: Policies and Practices*, edited by Barbara Harff and Ted Robert Gurr. Abingdon: Routledge, 2018. p. 169.
- 23 Bellamy, Alex. 'Operationalising the 'atrocities prevention lens'' P. 67; See also Bellamy, Alex. 'Mass atrocities and armed conflict: Links, distinctions, and implications for the Responsibility to Prevent.' February 2011. <https://www.stanleyfoundation.org/publications/pab/BellamyPAB22011.pdf>.
- 24 Sharma, Serena and Jennifer. *The Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention*. Oxford: Oxford University Press, 2015. P. 370; Reike, Ruben. 'Conflict prevention and R2P.' In *The Oxford Handbook of the Responsibility to Protect*, edited by Alex Bellamy and Tim Dunne. Oxford: Oxford University Press, 2016. Pp. 581-603.
- 25 Staunton and Ralph. 'The Responsibility to Protect norm cluster and the challenge of atrocity prevention.'
- 26 Bellamy, Alex. 'Operationalising the 'atrocities prevention lens.'
- 27 For a full list of focal points, see Global Centre for the Responsibility to Protect. 'Members of the Global Network of R2P Focal Points.' Last modified November 08, 2020. <https://www.globalr2p.org/resources/members-of-the-global-network-of-r2p-focal-points/>. The two regional organizations are the European Union and the Organization of American States.
- 28 Bellamy, Alex. 'Operationalising the 'atrocities prevention lens,' p. 67.
- 29 Evans, Gareth. 'The Responsibility to Protect the People of Myanmar.' Australian Outlook. April 08, 2021. <https://www.internationalaffairs.org.au/australianoutlook/the-responsibility-to-protect-the-people-of-myanmar/>.
- 30 Bellamy, Alex. 'Mass atrocities and armed conflict'; Sharma, Serena and Jennifer. *The Responsibility to Prevent*; Straus Scott. *Fundamentals of Genocide and Mass Atrocity Prevention*. Washington, DC: United States Holocaust

Memorial Museum, 2014; Woocher, Lawrence. 'The responsibility to prevent: Toward a strategy.' In *The Routledge Handbook of the Responsibility to Protect*, Edited by Andy Knight and Frazer Egerton. New York: Routledge, 2012. Pp. 22-35.

31 Leader Maynard, Johnathan. 'Combating atrocity-justifying ideologies.' In *The Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention*, edited by Serena Sharma and Jennifer Welsh. Oxford: Oxford University Press, 2015. Pp. 189-225.

32 The New York Times. 'Facebook admits it was used to incite violence in Myanmar.' November 06, 2018. <https://www.nytimes.com/2018/11/06/technology/myanmar-facebook.html>.

33 See Welsh, Jennifer. 'Applying conflict prevention tools in atrocity crime settings.' In *The Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention*, edited by Serena Sharma and Jennifer Welsh. Oxford: Oxford University Press, 2015. Pp. 103-118.

34 Luck, Edward. 'Roots of ambivalence,' p. 164.

35 Daniel Hurst and Ben Doherty. 'Australia to face pressure to use new Magnitsky-style laws against Myanmar and Chinese officials.' *The Guardian*. 2 December 2021. <https://www.theguardian.com/australia-news/2021/dec/02/australia-to-face-pressure-to-use-new-magnitsky-style-laws-against-myanmar-and-chinese-officials>

36 ASEAN. 'Chairman's Statement on the ASEAN Leaders' Meeting.' April 24, 2021. <https://asean.org/wp-content/uploads/Chairmans-Statement-on-ALM-Five-Point-Consensus-24-April-2021-FINAL-a-1.pdf>. For further details on the response of ASEAN to the situation in Myanmar, including a critique of the limitations of the 5 point consensus, see Nicholas Coppel, *The Nature, Scope and Limits of International Responses to Myanmar's Coup*. In Justine Chambers, Nicola S. Williams, Michael Dunford and Dinith Adikari, *Myanmar in Crisis: Living with the Pandemic and the Coup* Singapore: ISEAS-Yusof Ishak Institute (forthcoming, 2022).

37 UN General Assembly. 'General Assembly Reappoints Secretary-General to Second Five-Year Term, Adopting Resolution Condemning Lethal Violence by Myanmar's Armed Forces.' June 18, 2021. <https://www.un.org/press/en/2021/ga12339.doc.htm>.

38 UN News. 'Myanmar: UN expert says current international efforts failing, urges 'change of course''

39 Human Rights Council. 2017. Situation of Human Rights in Myanmar. 24 March 2017, A/HRC/RES/34/22.

40 Human Rights Council. 2018. Report of the independent international fact-finding mission on Myanmar. 12 September 2018, A/HRC/39/64, page 1.

41 United Nations Human Rights Council. 'Independent Investigative Mechanism for Myanmar.' Nd. <https://www.ohchr.org/EN/HRBodies/HRC/IIMM/Pages/Index.aspx>. The mandate of the IIMM is to: ... establish an ongoing independent mechanism to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law;.' Human Rights Council 2018, Situation of Human Rights of Rohingya Muslims and other minorities in Myanmar. 3 October 2018, A/HRC/RES/39/2, paragraph 22.

42 International Court of Justice. 2020. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar) Request for the indication of provisional measures. Summary 2020/1 23 January 2020, accessed 17 February 2020, <https://www.icj-cij.org/files/case-related/178/178-20200123-SUM-01-00-EN.pdf>, page 7.

43 United Nations Human Rights Council. 'Report of the Independent Investigative Mechanism for Myanmar.' A/HRC/48/18. 5 July 2021, Paragraph 30.

44 An announcement of the declaration was posted by the NUG on twitter on 20 August 2021. <https://twitter.com/NUGMyanmar/status/1428739347717648389/photo/1>

45 The Myanmar Accountability Project webpage is found at <https://the-world-is-watching.org/our-team/>

46 Fortify Rights. 'Myanmar: Engage the International Criminal Court to Hold Military Perpetrators of Mass Atrocity Crimes Accountable.' 19 August 2021. <https://www.fortifyrights.org/mya-inv-2021-08-19/>

47 The Pyidaungsu Hluttaw is the national legislature of Myanmar.

48 Committee Representing Pyidaungsu Hluttaw. 'Who we are.' <https://crphmyanmar.org/who-we-are/>

49 United States Institute of Peace. 'Nonviolent Action,' <https://www.usip.org/issue-areas/nonviolent-action>

50 Ibid.

51 Coppel, 'The Nature, Scope and Limits'; Gareth Evans and Bruce Grant (1995). *Australia's Foreign Relations in the World of the 1990s*, 2nd ed, Melbourne: Melbourne University Press.

52 Donald R. Rothwell. 'The barely-noticed momentous change to Australian foreign policy.' *The Interpreter*, 14 February 2019. <https://www.lowyinstitute.org/the-interpreter/barely-noticed-momentous-change-australian-foreign-policy>.

53 Rothwell. 'The barely noticed moment.'

54 Coppel, 'The Nature, Scope and Limits.'

55 'ASEAN Invites Minister From Myanmar's Shadow Civilian Govt to Climate Conference 22 November 2021' *The Irrawaddy*, 22 November 2021. <https://www.irrawaddy.com/news/burma/asean-invites-minister-from-myanmars-shadow-civilian-govt-to-climate-conference.html>

56 Catherine Renshaw. 'The battle for Myanmar's seat in the UN General Assembly.' *The Interpreter*, 10 August 2021. <https://www.lowyinstitute.org/the-interpreter/battle-myanmar-s-seat-un-general-assembly>.

57 Rick Gladstone. 'U.N. Seats Denied, for Now, to Afghanistan's Taliban and Myanmar's Junta.' *The New York Times*. 1 December 2021. <https://www.nytimes.com/2021/09/11/world/un-ambassadors-myanmar-afghanistan.html>.

58 United Nations Office for the Coordination of Humanitarian Assistance. *Myanmar Humanitarian Response Plan*. 2021.

<https://fts.unocha.org/appeals/1046/summary>.

59 International Crisis Group. 'Myanmar's Coup Shakes up its Ethnic Conflicts.' Asia Report No.319. 12 January 2022. <https://d2071andvip0wj.cloudfront.net/319-myanmar-coup-ethnic-conflicts.pdf>. P. 3.

60 International Crisis Group. 'Myanmar's Coup Shakes up its Ethnic Conflicts.'

61 Billy Ford and Jason Tower. 'Myanmar Struggles to Reverse a Coup; Democracies Can Help An army leader miscalculated the costs of wresting back power. Now the country reels from the violence.'

United States Institute of Peace, December 9, 2021. <https://www.usip.org/publications/2021/12/myanmar-struggles-reverse-coup-democracies-can-help>

62 Aye Chan and Billy Ford. 'A New Myanmar Forum Aims to Unite Democratic Forces.' United States Institute of Peace. 3 November 2021. <https://www.usip.org/publications/2021/11/new-myanmar-forum-aims-unite-democratic-forces>

63 Vaphual and Rebecca Ratcliffe. 'Myanmar's UN envoy under fire for proposing 'power share' with military.' *The Guardian*, 4 February 2022. [Myanmar's UN envoy under fire for proposing 'power share' with military | Myanmar coup | The Guardian](https://www.theguardian.com/world/2022/feb/04/myanmar-un-envoy-under-fire-for-proposing-power-share-with-military).

64 Pattison, James. 'The ethics of arming rebels.' *Ethics and International Affairs* 29 (4) (2015), pp.455-456.

65 Pattison, 'The ethics of arming rebels.' P. 457.

66 Pattison, 'The ethics of arming rebels.' Pp. 458-459; Moore, Matthew. 'Selling to Both Sides: The Effects of Major Conventional Weapons Transfers on Civil War Severity and Duration.' *International Interactions* 38 (3) (2012): pp. 335-353.

67 Chenoweth and Stephan. *Why Civil Resistance Works. The Strategic Logic of Nonviolent Conflict*. New York: Columbia University Press, 2011 Pp. 213-215.

68 See, also, Pattison, 'The ethics of arming rebels.' P. 460-461.

69 International Crisis Group (ICG). 'The Deadly Stalemate in Post-coup Myanmar.' Crisis Group Asia Briefing N°170 Yangon/Bangkok/Brussels, 20 October 2021. <https://www.crisisgroup.org/asia/south-east-asia/myanmar/b170-deadly-stalemate-post-coup-myanmar>

70 China has supplied arms to both the Tatmadaw and various EAOs for many decades, see United States Institute of Peace, 'Billy Ford on Myanmar's Resistance Movement,' *On Peace* Podcast, 13 January 2022. <https://usip.podbean.com/e/billy-ford-on-myanmar-s-resistance-movement/>

71 Matthew B. Arnold. Brief 4: Myanmar's Shadow War: The Role of Local Administrators in the SAC Military Regime. 12 November 2021. Paper on file with Cecilia Jacob.

72 Mikael Gravers. 'A tentative unity among Myanmar's anti-coup forces.' *East Asia Forum*. 8 June 2021.

<https://www.eastasiaforum.org/2021/06/08/a-tentative-unity-among-myanmars-anti-coup-forces/#more-357828>.

73 ICG. 'The Deadly Stalemate.'

74 ICG. 'The Deadly Stalemate.'

75 See also Pattison 'The ethics of arming rebels.'

76 As occurred in Ukraine in support of the national resistance, Mike Ives. 'Satellite internet terminals, sent by Elon Musk, arrive in Ukraine,' *The New York Times*, 1 March, 2022.

77 National Unity Government, Press Release (3/2021), 3 June 2021, Point 5. [Press Release \(3/2021\) – National Unity Government \(nugmyanmar.org\)](https://nugmyanmar.org/press-release/3/2021)

78 We would like to thank Alistair Cook and Debbie Stodhard for these points on non-military support.

79 Chiraag Roy, Anthony Ware and Costas Laoutides. 'The political economy of Norwegian peacemaking in Myanmar's peace process,' *Third World Quarterly*, 42(9) (2021), 2172-2188.

80 Cecilia Jacob. 'Navigating between Pragmatism and Principle: Australia's Foreign Policy Response to the 2017 Rohingya Crisis,' *Global Responsibility to Protect*, 13(2-3) (2021), 186-217; pp.21-22, p.31; Billy Ford and Jason Tower. 'Myanmar Struggles to Reverse a Coup; Democracies Can Help.'

81 International Crisis Group. 'Myanmar's Coup Shakes up its Ethnic Conflicts.'

82 United States Institute of Peace. 'Why all the coups?,' <https://www.usip.org/whyallthecoups>.