

Committee: Security Council (SC)

Issue: Addressing the coup in Myanmar

Student Officer: Christianna Giouchas

Position: Deputy President

PERSONAL INTRODUCTION

Dear delegates,

It is my utmost honor to welcome you all to the 6th ACGMUN conference! My name is Christianna Giouchas, I am a 10th grade student at the German School of Athens, and I will be serving as one of the Deputy Presidents in this year's Security Council, with this being my second time chairing.

For me, MUN is not just an educational simulation, but a community that helped me develop my critical thinking and social skills. Through MUN, I gained a better understanding of how solutions to the world's disturbing, damaging issues can be found, by diplomatically debating on them.

I want to congratulate you all for being selected as delegates in this committee and conference. I hope that during those two days, we will all get to know each other, get out of our comfort zones, debate, educate ourselves, and most importantly, have an amazing time together.

During the committee session, we will be discussing two very significant topics, namely "The effects of the NATO and QUAD expansion" and "Addressing the coup in Myanmar". You may use this document as a guide to your research and as a general overview of the second topic. However, I strongly suggest that you conduct your own research as well, to delve deeper into your country's policy upon the matter and draft your resolutions.

Feel free to contact me with every question that may arise. My email is: christianna.giouchas@gmail.com.

I am looking forward to meeting each and every one of you.

Best wishes,

Christianna Giouchas

TOPIC INTRODUCTION

Myanmar is a Southeast Asian nation. It is the largest country in Mainland Southeast Asia by area, with a population of approximately 54 million people as of 2017.¹ It is bounded on the northwest by Bangladesh and India, on the northeast by China, on the east and southeast by Laos and Thailand, and on the south and southwest by the Andaman Sea and the Bay of Bengal. The capital city of Myanmar is Naypyidaw, and the largest city is Yangon.



Figure 1: Map of Myanmar²

The Konbaung dynasty was the last dynasty to rule over Myanmar until 1885. Following three Anglo-Burmese Wars in the nineteenth century, the British East India Company seized control of Myanmar's administration and became a British colony. Myanmar was reclaimed by the Allies after a brief Japanese occupation and gained independence in 1948. Following a coup in 1962, it became a military dictatorship led by the Burma Socialist Programme Party (BSPP).

For the majority of its independent years, the country has been engulfed in rampant ethnic strife, and its diverse ethnic groups have been embroiled in one of the world's longest-running civil wars. Following a 2010 general election, the military junta made a concession in 2011, and a nominally civilian government was established. This, along with the elections in 2015, improved the country's human rights record and foreign relations. Nevertheless, the country's treatment of its ethnic minorities, particularly with regard to the Rohingya Genocide –a series of ongoing persecutions

¹ "Myanmar." Geres, 1 Apr. 2022, www.geres.eu/en/our-actions/countries-of-intervention/myanmar/.

² "Myanmar." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., 26 Jan. 2023, <https://www.britannica.com/place/Myanmar>.

and killings committed by the Burmese military against the Muslim Rohingya people—was condemned by international organizations and many nations, such as Amnesty International and the Human Rights Watch.

Following the Myanmar general election on November 8, 2020, in which Aung San Suu Kyi's party won a clear majority in both houses, an even more significant margin of victory than in the 2015 election, the Tatmadaw (Burmese military) seized power once again in a coup. The Union Solidarity and Development Party, the military's proxy party, won only 33 seats out of 440.

The 2021 Myanmar coup d'état began on February 1, 2021. Power was seized from a democratically elected government and passed to the military. The civilian population rejected the coup, sparking civil disobedience, protests, and ongoing armed resistance to military rule. Huge crowds took to the streets in the weeks following the coup to protest. The military retaliated with lethal force and terror, raiding homes and arresting anyone suspected of supporting democracy. Faced with defiant and widespread opposition, the military has been unable to consolidate its control over the country. It has used increasingly brutal violence to suppress dissent. As a consequence of the instability that has prevailed since the coup, many aspects have been affected; the economy of the country is now in turmoil, and public services have been rendered ineffective.

DEFINITION OF KEY TERMS

Coup d'état

Coup d'état, also called coup, is the sudden, violent overthrow of an existing government by a small group. The chief prerequisite for a coup is control of all or part of the armed forces, the police, and other military elements.³

Colony

A colony is “a country or area controlled in an official, political way by a more powerful country”.⁴

³ "Coup D'etat | Definition, Examples, & Facts." *Encyclopedia Britannica*, www.britannica.com/topic/coup-detat.

⁴ "Colony." *Cambridge Dictionary | English Dictionary, Translations & Thesaurus*, dictionary.cambridge.org/dictionary/learner-english/colony.

Dictatorship

When a country is ruled by someone or a small collective, who has complete power, control over the armed forces, and destroys any political opposition.⁵

Junta

"A government, especially a military one, that has taken power in a country by force and not by election."⁶

State of emergency

"A temporary system of rules to deal with an extremely dangerous or difficult situation"⁷

Sovereignty

"Sovereignty is the power of a country to control its own government."⁸

Federalism

"Federalism is the system of giving power to a central authority."⁹

Crimes against humanity

"Serious crimes committed against civilian populations as part of a widespread and systematic attack."¹⁰

⁵ "Dictator." *Cambridge Dictionary | English Dictionary, Translations & Thesaurus*, dictionary.cambridge.org/dictionary/english/dictator.

⁶ "Junta." *Cambridge Dictionary | English Dictionary, Translations & Thesaurus*, dictionary.cambridge.org/dictionary/english/junta.

⁷ "State of Emergency." *Cambridge Dictionary | English Dictionary, Translations & Thesaurus*, dictionary.cambridge.org/dictionary/english/state-of-emergency.

⁸ "Sovereignty." *Cambridge Dictionary | English Dictionary, Translations & Thesaurus*, dictionary.cambridge.org/dictionary/english/sovereignty.

⁹ "Federalism." *Cambridge Dictionary | English Dictionary, Translations & Thesaurus*, dictionary.cambridge.org/dictionary/english/federalism.

¹⁰ "Crimes Against Humanity." *Oxford Reference*, www.oxfordreference.com/display/10.1093/acref/9780192807021.001.0001/acref-9780192807021-e-810.

War crimes

“War crime is a crime committed during a war that breaks the accepted international rules of war.”¹¹

Genocide

“Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group and forcibly transferring children of the group to another group.”¹²

Universal jurisdiction

“The term universal jurisdiction refers to the idea that a national court may prosecute individuals for serious crimes against international law — such as crimes against humanity, war crimes, genocide, and torture — based on the principle that such crimes harm the international community or international order itself, which individual States may act to protect. Generally, universal jurisdiction is invoked when other, traditional bases of criminal jurisdiction are not available”.¹³

BACKGROUND INFORMATION

British Burma

The 19th century saw Burmese rulers, whose nation had not previously attracted the attention of many European traders, attempting to maintain their customary sway in its western regions. The British East India Company, which was pushing to advance its interests in the same area by moving east, was the one to press them. Britain declared sovereignty over the majority of Burma after sixty years of negotiations, raids, treaties, and compromises together, known as the Anglo-Burmese

¹¹ "War Crime." *Cambridge Dictionary | English Dictionary, Translations & Thesaurus*, dictionary.cambridge.org/dictionary/english/war-crime?q=war+crimes.

¹² United Nations. "United Nations Office on Genocide Prevention and the Responsibility to Protect." www.un.org/en/genocideprevention/genocide.shtml.

¹³ "Universal Jurisdiction." *International Justice Resource Center*, 27 Feb. 2021, ijrcenter.org/cases-before-national-courts/domestic-exercise-of-universal-jurisdiction/.

Wars. When Mandalay fell, all of Burma came under British control and was annexed on January 1, 1886.

The Anglo-Burmese population and the large number of Indian immigrants who came to Burma during the colonial era to work as soldiers, government servants, construction workers, and traders dominated Burma's economy and society. Strong racial animosities among Burmese people were let loose in bloody riots that occasionally rendered major cities inaccessible until the 1930s.

Ba Maw was appointed the first Prime Minister and Premier of Burma on April 1st, 1937, when the country was granted independence and was placed under independent British administration. Ba Maw was an outspoken supporter of Burmese independence and opposed Burma's involvement in World War II (WWII). He was detained for sedition and forced to resign from the Legislative Assembly. Aung San established the Burma Independence Army in Japan in 1940, prior to Japan's official declaration of war.

Independence (1948-1962)

Burma gained its independence as an independent nation in 1948. In exchange for Burma's independence, British forces helped Aung San push the Japanese out of power after they had briefly controlled the country during WWII. As a result of the murder of party members of Aung San U Nu, a leader from the party's branch, was chosen to take over as president. Numerous factions were still contesting the country.

Unlike the majority of other former British colonies and foreign territories, Burma never joined the Commonwealth. Sao Shwe Thaik served as the new nation's first president, which was given the name *Union of Burma*, while U Nu served as the first prime minister. Multi-party elections were held in 1951–1952, 1956, and 1960. A bicameral parliament was established, consisting of a Chamber of Deputies and a Chamber of Nationalities.

The military leadership orchestrated a coup d'état in 1962 in response to demands for autonomy or federalism made by non-Burman ethnic groups and a weak central civilian authority. According to multiple historians, one reason for the coup was a growing fear within the army that the Union of Burma was on the verge of disintegrating under the AFPFL-Government. The phrase "federalism," although included in the 1947 Constitution, was viewed as anti-national, anti-unity, and pro-disintegration by succeeding military rulers.

Military rule (1962-2011)

The Burmese Way to Socialism, which combined nationalization and central planning in the Soviet manner, nationalized nearly all facets of society (industry, media, production) under government control. The military had had indirect influence over the administration of Burma ever since the coup d'état was orchestrated by General Ne Win on March 2, 1962, when the army took over the country. A revolutionary council led by the general oversaw Myanmar's government between 1962 and 1974.

The year of 1974 saw the adoption of a new constitution for the Socialist Republic of the Union of Burma. The general and other military commanders resigned, and the Burma Socialist Programme Party (BSPP) was in charge until 1988 when the country switched to a two-party system. Myanmar grew to be one of the least economically developed countries (LEDCs) in the world during this time.¹⁴ Occasionally, throughout Myanmar's Ne Win era, there were demonstrations against military control, although they were almost always forcefully suppressed. Fifteen students were killed on July 7, 1962, as the authorities' dispersed protests at Rangoon University.¹⁵ The military forcefully put down anti-government demonstrations at U Thant's burial in 1974. Student demonstrations in 1975, 1976, and 1977 were also swiftly suppressed by unrelenting force.

Civil wars and ethnic conflict

Since the country's independence in 1948, civil wars and ethnic conflict have consistently characterized Myanmar's sociopolitical environment. With the central districts of the nation serving as the main geographic "theater" of conflict, these wars are mainly disputes over ethnic and subnational autonomy. To enter the regions where the civil war in Myanmar is still prevalent, foreign journalists and tourists need a special travel permit.

A series of tensions involving Rohingya Muslims and the government and non-government parties in Rakhine State, as well as a dispute between the Shan, Lahu, and Karen minority groups and the government in the country's eastern half, were all ongoing hostilities in Myanmar in October of 2012. Around that time, Al-Qaeda also made a signal that it wanted to intervene in Myanmar.

¹⁴ "Least Developed Country Category: Myanmar Profile | Department of Economic and Social Affairs." *Welcome to the United Nations*, www.un.org/development/desa/dpad/least-developed-country-category-myanmar.html.

¹⁵ "Myanmar Activists Observe 60th Anniversary of Military Crackdown Amid Tight Security." *Radio Free Asia*, 7 July 2022, www.rfa.org/english/news/myanmar/anniversary-07072022183018.html.

The Kokang offensive in February of 2015 was a result of armed conflict between ethnic Chinese rebels and the Myanmar Armed Forces. 40,000 to 50,000 civilians had been forced to flee their homes and seek refuge on the Chinese side of the border due to the conflict.¹⁶ During the incident, the Chinese government was accused of providing military assistance to ethnic Chinese rebels. Clashes between Burmese troops and local insurgent groups have continued, adding to China-Myanmar tensions, which complicates the fact of Chinese investment in the country.

Period of liberalization (2011-2021)

Decades of isolationist military rule left Myanmar in a dire economic state and riven by ethnic conflict. In 2008, a new Constitution was adopted, paving the way for systemic political and economic reform. In 2011, a gradual liberalization began under a transitional military government, kicking off what has been dubbed the "triple transition": from military to civilian rule, from a planned to a more market-based economy, and from widespread internal conflict to long-term peace.

Myanmar's first democratic elections, held on November 8, 2015, marked a watershed moment, sparking a wave of optimism. These were Myanmar's first openly contested elections since the general election in 1990 (which was annulled). The results gave the National League for Democracy (NLD) an absolute majority of seats in both chambers of the national parliament, ensuring that its candidate would become president, even though NLD leader Aung San Suu Kyi was constitutionally barred from running for president. Improvements in social welfare and the country's economic situation were noticed as a transition to democracy was made.

The Gambia filed a case against Myanmar at the International Court of Justice (ICJ) in The Hague, the United Nations' highest court, alleging that it violated the 1948 Genocide Convention. Aung San Suu Kyi has defended Myanmar's military against genocide allegations brought before the International Court of Justice (ICJ), amid allegations of mass killings, rape, and the expulsion of the Rohingya Muslim minority.

2020 elections and 2021 military coup d'état

Election and aftermath

In Myanmar's 2020 parliamentary election, the ostensibly ruling National League for Democracy (NLD), State Counsellor Aung San Suu Kyi's party competed with several smaller parties, most notably the military-

¹⁶ AFP. "New Aid Route to Rebel-held Syria Opens As Quake Toll Nears 40,000." *Prothomalo*, 15 Feb. 2023, en.prothomalo.com/international/middle-east/zghssnxrml.

affiliated Union Solidarity and Development Party (USDP). Other political parties and individuals with ties to specific ethnic minorities also ran for office. Suu Kyi's NLD won the 2020 Myanmar general election by a landslide, with supermajorities in both houses—396 out of 476 elected seats in parliament—on November 8, 2020.¹⁷ However, the military declared that there were multiple irregularities noticed in the voting process and asked for the government to review the results. The election commission declared that any irregularities were too few and insignificant to influence the election's outcome. However, despite the election commission validating the NLD's overwhelming victory, the USDP and Myanmar's military persistently alleged fraud, and the military threatened to "take action."¹⁸ In January 2021, just before the new parliament was to be sworn in, the NLD announced that Suu Kyi would continue to serve as State Counsellor in the upcoming government.

The 2021 Coup

The military seized power on February 1, 2021, the day parliament was scheduled to meet for the first time after the election. President Win Myint, Aung San Suu Kyi, and other NLD members were detained. Myint Swe, a former military officer and the military-appointed vice president, took over as acting president. He immediately invoked articles 417 and 418 of the constitution, declaring a one-year state of emergency and handing control of the executive, legislative, and judicial branches of government to the commander in chief of the armed forces: Senior General Min, who claimed that the military takeover was necessary due to alleged unresolved electoral irregularities and the failure to respond to a request to postpone the opening of parliament. He promised to hold new elections and hand over power to the winner once the state of emergency was lifted. The State Administrative Council was formed the next day, with Senior General Min serving as chairman to handle government functions during the state of emergency. The State Administrative Council was replaced on August 1 of the same year by a military-led caretaker government headed by Senior General Min, and the state of emergency was extended until August 2023 in the same month.

¹⁷ "Myanmar: Aung San Suu Kyi's Party Wins Majority in Election." *BBC News*, BBC, 13 Nov. 2020, www.bbc.com/news/world-asia-54899170.

¹⁸ Hein, Ye Myo. "The Root Causes of Myanmar's Coup Go Deeper." *Wilson Center*, Asia Program, Mar. 2022, www.wilsoncenter.org/sites/default/files/media/uploads/documents/2022-03-Myanmar_YeMyoHein.pdf.

Coup's current situation

Two years after the Myanmar military launched a coup against the democratically elected government, the country has sunk deeper than ever into a crisis and has experienced a wholesale regression in human rights.

By the 27th of January 2023, at least 2,890 people had died at the hands of the military and others working with them, of whom at least 767 were initially detained.¹⁹ This is almost certainly an underestimate of the number of civilians killed as a result of military action. A staggering additional 1.2 million people have been internally displaced, and over 70,000 have fled the country, joining over one million others, including the majority of the country's Rohingya Muslim population, who have sustained persecution and attacks over the past decades.²⁰

Since the coup, the military has imprisoned the country's democratically elected leadership and detained over 16,000 others in subsequent months, most of whom face fabricated charges in military-controlled courts, in flagrant violation of due process and fair trial rights, due to their refusal to accept the military's actions.²¹

Effects on Myanmar's society

Myanmar's public health system has largely collapsed since the coup, as many healthcare workers have been detained or targeted by the military for their association with the civil disobedience movement. The Myanmar military has prevented humanitarian aid, including medical supplies, from reaching displaced people.

The Myanmar military's increased violence and attacks on villages have put elderly people in danger. While their family members have fled to safety, they are frequently left behind in emergency situations. HelpAge has received reports of older people being shot, killed, or physically assaulted by Myanmar armed forces.

Many people have also been forced to leave their jobs as a result of the crisis, leaving them without a consistent source of income, as fears of an increase in violence

¹⁹ "Two Years After Coup, Myanmar Faces Unimaginable Regression, Says UN Human Rights Chief." *OHCHR*, www.ohchr.org/en/press-releases/2023/01/two-years-after-coup-myanmar-faces-unimaginable-regression-says-un-human.

²⁰ "Myanmar Mired Ever Deeper in Crisis as Human Rights Spiral Backwards, Warns Türk | UN News." *United Nations*, United Nations, <https://news.un.org/en/story/2023/01/1132902>.

²¹ "Myanmar: Two Years After the Coup, Country Further Than Ever from Democracy and the Rule of Law." *International Commission of Jurists*, 2 Feb. 2023, www.icj.org/myanmar-two-years-after-the-coup-country-further-than-ever-from-democracy-and-the-rule-of-law/.

grow. According to the World Bank, Myanmar's economy will contract by 18% by 2021, threatening millions with poverty, unemployment, and hunger.²² According to the United Nations Development Programme, nearly half of the country's population will be living in poverty by early 2022.²³

According to medical workers in the country, a significant proportion of healthcare in Myanmar is now provided outside of state hospitals by doctors and nurses who oppose the military and are loyal to the National Unity Government, which is challenging the junta's legitimacy.

Myanmar's organized opposition to the 1 February coup began with healthcare workers declaring a boycott of state-run hospitals. They led the first street protests, calling it the "white coat revolution". This put medics on a collision course with the junta, resulting in the undergrounding of much of Myanmar's healthcare system.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

People's Republic of China (PRC)

China has chosen to strengthen Myanmar's military in its fight against a rapidly growing popular resistance movement and support the junta's position on crucial multilateral platforms such as the World Bank.

China believes that assisting the military will hasten the resumption of its geostrategic economic projects through Myanmar and help it expand its influence in South and Southeast Asia. In contrast, Beijing regards the pro-democracy National Unity Government (NUG) and allied Ethnic Armed Organizations (EAOs) as revolutionary obstacles: too weak to overthrow the regime but strong enough to stall China's plans to bind Myanmar to its southwestern provinces economically.

China's strategy toward the junta poses a growing threat to Indo-Pacific security. Supporting and legitimizing the military regime risks inciting more violence in Myanmar and putting any peaceful solution to the conflict out of reach. As the

²² "Myanmar Economy Expected to Contract by 18 Percent in FY2021: Report." *World Bank*, 23 July 2021, www.worldbank.org/en/news/press-release/2021/07/23/myanmar-economy-expected-to-contract-by-18-percent-in-fy2021-report.

²³ "Pandemic and Political Crisis Could Result in Half of Myanmar's Population Living in Poverty by 2022, UNDP Says | United Nations Development Programme." *UNDP*, www.undp.org/press-releases/pandemic-and-political-crisis-could-result-half-myanmars-population-living-poverty-2022-undp-says.

violence spreads across Myanmar's borders and throughout the region, Myanmar's neighbors will bear high costs.

United States of America (USA)

The United States has condemned the military coup that occurred in Myanmar on February 1, 2021, in which the military seized control of the government and arrested civilian leaders, including State Counselor Aung San Suu Kyi. The international community has taken a similar stance, and the United States has called for releasing all political prisoners and restoring democracy in Myanmar. The US government has also announced sanctions against the military leaders and organizations involved in the coup and has urged other countries to follow suit. It has also withdrawn its military and economic aid to the government but has started a programme providing humanitarian aid to those affected by the military crackdown. The situation in Myanmar remains tense, and the United States is keeping a close eye on developments.

India

India has taken a more reserved approach to the unfolding situation. India's cautious response to Myanmar's military coup contrasts its previous policies. The primary motivation for India's shift is to balance China's influence and to contain insurgencies along the Indo-Myanmar border. Ever since Myanmar gained its independence in 1948, it has developed a strong alliance with India. After the military coup in Myanmar in 1962, the countries maintained a close relationship for the following two decades. As of now, "India has a varied relationship. On the one hand, it condemned the executions, and last year industrialist Gautam Adani withdrew from a project building a new port in Yangon in partnership with the Myanmar military," as Chris Sidoti of the Special Advisory Council for Myanmar (SAC-M) told Deutsche Welle (DW).²⁴

United Kingdom (UK)

The United Kingdom (UK) has condemned Myanmar's military coup and demanded the immediate release of detained civilian leaders, including Aung San Suu Kyi. The country has also urged the military to respect the results of the November 2020 elections, in which Suu Kyi's National League for Democracy (NLD) party won a landslide victory. The UK government has announced that it will review its relationship

²⁴ "What is India's Relationship to Myanmar's Military Junta? – DW – 08/02/2022." *Dw.com*, 2 Aug. 2022, www.dw.com/en/india-walks-diplomatic-tightrope-on-myanmars-military-junta/a-62685316.

with Myanmar in light of the coup and has suspended all invitations to Myanmar military personnel to attend UK-funded training and courses.

Association of Southeast Asian Nations (ASEAN)

A year and a half after the coup formally reinstalled Myanmar's military, the junta continued its brutal campaign against resistance groups. The army has targeted ethnic armed organizations as well as the People's Defense Force, both of which launched unsuccessful nonviolent protests in response to the coup. When Brunei was chair in 2021, ASEAN only took symbolic measures, such as barring Myanmar from meetings. But ASEAN has never put significant pressure on the generals and has stood by meekly, as Naypyidaw, the capital of Myanmar, stonewalled the ASEAN special envoy.

ASEAN has now barred Myanmar's generals from attending meetings until the organization's ostensible peace plan is implemented. But that plan, which is now about fifteen months old and completely out of date, has sparked no interest among the generals and has had no effect on their totalitarian regime. ASEAN is now issuing vague threats to take additional action if Myanmar does not comply with the plan. However, given the organization's need for consensus and opposition from other authoritarian governments within ASEAN to a harsh response for fear of repercussions for their regimes, that appears unlikely.

People's Defense Force

The People's Defense Force is the armed wing of the National Unity Government (NUG). On 5 May 2021, the NUG formed the armed wing from youths and pro-democracy activists in response to the coup d'état that took place on 1 February 2021, putting the military junta and their armed wing, the Tatmadaw, in power. Despite popular support, the military junta designated it a terrorist organization on May 8, 2021. In October 2021, the NUG Ministry of Defense announced the formation of a central committee to coordinate military operations across the country.

European Union (EU)

The European Union (EU) has condemned Myanmar's military coup and demanded that civilian leaders, including Aung San Suu Kyi, be released immediately. The EU has also called for the restoration of democracy and rule of law in Myanmar. The EU has also imposed sanctions on Myanmar military leaders and has ceased all financial assistance to the military. In addition, the EU urged the international community to respond to the crisis in a coordinated manner.

The EU has so far allocated 18 million euros in humanitarian aid funding for 2023 to address the immediate needs of Myanmar's most vulnerable people, including displaced and conflict-affected communities.²⁵ The funding contributes to the provision of food, nutrition, clean water and sanitation, shelter and emergency preparedness/response, healthcare, education, and protection services, including mine awareness, to conflict-affected people.

TIMELINE OF EVENTS

Date	Description of event
1 April 1937	Burma becomes a separately administrated colony of Great Britain.
4 January 1948	Myanmar gains its independence.
2 March 1962	The military takes control of Burma.
1962-1974	Myanmar is ruled by a revolutionary council.
1974	A new constitution is adopted.
2011-2021	Period of liberalization.
8 November 2015	General elections are held.
2020	Elections are held.
1 February 2021	A state of emergency is declared via a military coup d'état.
6 February 2021	The first large-scale protests are organized in Myanmar.
June 2021	The United Nation (UN)'s Response to the Human Rights Crisis after the Coup in Myanmar policy paper is published.
29 September 2021	Report on the Situation of Human Rights in Myanmar is published.
18 October 2021	Myanmar's military announces its plans to release more than 5,000 prisoners, days after Min Aung Hlaing was blocked from attending an upcoming ASEAN summit.
19 October 2021	Report on the Situation of Human Rights in Myanmar by the UNHRC is published.

²⁵ *European Civil Protection and Humanitarian Aid Operations* | European Commission, EU, civil-protection-humanitarian-aid.ec.europa.eu/.

25 July 2022	The military executes four anti-coup activists, the first time the death penalty has been used in Myanmar in more than 30 years.
22 December 2022	The United Nations Security Council passes its first resolution on Myanmar, calling for an end to violence and the release of all political prisoners.
26 January 2023	According to the UN, opium cultivation has increased since the military coup.
1 February 2023	The US, UK, Australia, and Canada impose new sanctions on the military regime.

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

Report on the Situation of Human Rights in Myanmar (UNHRC)²⁶

The report of the Special Rapporteur on the situation of human rights in Myanmar was written by Thomas H. Andrews on September 1, 2021. This report highlights some of Myanmar's most severe human rights violations from September 2021 to February 2022. It documents the military's violent attacks on civilian populations, including airstrikes, mortars, arson, extrajudicial killings, and the use of forced labor and human shields. Many of these attacks are likely crimes against humanity and possibly war crimes, and those responsible must be held accountable. The report describes Myanmar's people's efforts to oppose the military junta and defend their country. The report details the junta's campaign to arrest and imprison activists, journalists, peaceful protesters, and other opponents. It documents the junta's criminalization of fundamental rights such as freedom of speech and freedom of assembly.

The United Nation's Response to the Human Rights Crisis after the Coup in Myanmar²⁷

This policy paper examines the human rights crisis caused by Myanmar's coup and evaluates the UN's response in the context of broader international efforts, taking into account the numerous commitments made to protect people from atrocity crimes. The first section describes the various aspects of the human rights crisis, as

²⁶ "Report on the Situation of Human Rights in Myanmar." *United Nations Digital Library System*, United Nations, digitallibrary.un.org/record/159740.

²⁷ "The UN's Response to the Human Rights Crisis After the Coup in Myanmar: Destined to Fail?" *International Peace Institute*, 9 Nov. 2022, www.ipinst.org/2021/06/un-response-to-human-rights-crisis-after-coup-in-myanmar.

well as the violations that have occurred. The second section situates the events in Myanmar within the context of international commitments to combat crimes of atrocity, including those made by the United Nations. The third section examines the human rights tools available to the UN in order to understand what works and what does not, as well as to highlight innovative approaches to dealing with such a difficult situation. The paper concludes with recommendations for a Myanmar protection agenda, building on the ambitious Call to Action for Human Rights issued by the UN Secretary-General in 2020.

A/HRC/RES/46/21²⁸

On March 24, 2021, the Human Rights Council adopted the “Situation of Human Rights in Myanmar” resolution 46/21. The Human Rights Council (HRC) requested, among other things, that the High Commissioner for Human Rights (UNHCHR) provide a comprehensive report on the overall human rights situation in Myanmar at its 49th session, with a particular focus on accountability for alleged violations of international human rights and humanitarian law, the rule of law, and security sector reform since February 1, 2021, as well as the implementation of recommendations on the human rights situation.

A/RES/75/287²⁹

The resolution adopted by the United Nations General Assembly (UNGA) was conducted on June 25, 2021. The resolution strongly condemns the Myanmar military's actions during the February 2021 coup and its aftermath, including the use of excessive force and the arbitrary detention of President Win Myint, State Counsellor Aung San Suu Ky, and other government officials. It demanded that the armed forces put an end to the violence immediately. It also mentions some recent actions taken by the International Criminal Court (ICC) and the International Court of Justice (ICJ) concerning the situation in Myanmar. Since the resolution is not legally binding, coming from the UNGA, its application is limited.

Security Council Press Statement on Situation in Myanmar³⁰

The Security Council called for the immediate release of all arbitrarily detained prisoners, including President Win Myint and State Counsellor Aung San Suu Kyi. The

²⁸ "Situation of Human Rights in Nicaragua." *United Nations Digital Library System*, United Nations, digitallibrary.un.org/record/3906075.

²⁹ "The Situation in Myanmar." *United Nations Digital Library System*, United Nations, digitallibrary.un.org/record/3930690.

³⁰ "Security Council Press Statement on Situation in Myanmar." *United Nations Digital Library System*, United Nations, digitallibrary.un.org/record/3982650.

Security Council members reiterated their strong support for ASEAN and the efforts of the ASEAN Chair, and echoed ASEAN's call for concrete actions to effectively and fully implement the Five Point Consensus. Members of the Security Council urged the continuation of dialogue with all parties involved and reconciliation in accordance with the will and interests of the people of Myanmar. They also demanded an immediate halt to all forms of violence, as well as full respect for human rights and the rule of law, and full, safe, and unhindered humanitarian access to all those in need. They reaffirmed their unequivocal support for Myanmar's democratic transition, as well as their firm commitment to the country's sovereignty, political independence, territorial integrity, and unity.

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)³¹

The International Court of Justice (ICJ) decided on July 22, 2022, by a vote of fifteen to one, that it has jurisdiction under the Genocide Convention to hear The Gambia's application against Myanmar in November 2019. The Gambia's application claims that Myanmar's military and other security forces committed genocide by systematically destroying Rohingya villages in Myanmar's Rakhine province through mass murder, rape, and other forms of sexual violence. While states have previously brought cases before the International Court of Justice under the Genocide Convention, this is the first time a state has invoked its jurisdiction to seek redress for alleged genocidal acts committed against the citizens of another state. Myanmar was found guilty of committing genocide.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Protests outside Myanmar

Despite the military's arrests and killings of protesters, the first weeks of the coup during February 2021 saw increased public assembly of groups of civil servants, teachers, students, workers, monks, and religious leaders, and even ordinarily disaffected ethnic minorities. Protests emerged within days, alongside a mass disobedience movement. On the second day of the coup, thousands of protesters marched through the streets of Yangon, the country's largest city and commercial

³¹ "Latest Developments | Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia V. Myanmar) | International Court of Justice." *Cour Internationale De Justice - International Court of Justice* | International Court of Justice, www.icj-cij.org/en/case/178.

capital, and other protests erupted across the country, effectively shutting down commerce and transportation.

Weeks of relatively peaceful protests turned deadly on February 20, when two unarmed protesters, including a 16-year-old boy, were killed by security forces in Mandalay.³² Millions of people across the country went on strike two days later. Police and soldiers opened fire on demonstrators in the streets, causing multiple injuries. Work stoppages have continued ever since, but the protests have decreased as a result of the military's brutal crackdown. Many protesters fled to remote parts of the country, where they found refuge with ethnic rebel groups, joined the newly formed People's Defense Force, and trained for battle. According to the Assistance Association for Political Prisoners, a rights organization, the junta has killed over 2,500 civilians and arrested 16,500 others since the coup. More than 13,000 of them remain detained as of December 2022.³³

Evacuations

The coup has caused many evacuations to occur. The US has ordered some American diplomats and their families to flee Myanmar due to escalating violence two months after the military junta took power. Following the coup in 2021, Japanese expatriates living and working in Myanmar were evacuated from Yangon International Airport to Narita International Airport on February 4, 2021. Taiwan's government began the evacuation process of Taiwanese expatriates in Myanmar on February 21, 2021. The Taiwanese government also urged Taiwanese expatriates who wanted to return to contact China Airlines. The South Korean government ordered a chartered Korean Air flight from Yangon to Seoul on March 7th of the same year to bring South Korean expatriates back from Myanmar. On the same day, the governments of Indonesia and Singapore urged their citizens to flee Myanmar as soon as possible for their safety. Due to rising violence, the British government urged British citizens who resided in Myanmar immediately to leave the country.

ASEAN's Five Point Consensus

At a summit in Jakarta on April 24, 2021, the nine ASEAN leaders and Myanmar junta chief, Senior General (Sr. Gen.) Min Aung Hlaing, agreed on five points: an immediate cessation of violence in the country; dialogue among all parties; the appointment of a special envoy; ASEAN humanitarian assistance; and the special envoy's visit to Myanmar to meet with all parties. Min Aung Hlaing has defied every

³² "Myanmar's Coup, Explained." *The New York Times - Breaking News, US News, World News and Videos*, 27 Apr. 2022, www.nytimes.com/article/myanmar-news-protests-coup.html.

³³ "Assistance Association for Political Prisoners." *Assistance Association for Political Prisoners*, aappb.org/?lang=en.

point in the year since, while also overseeing a brutal nationwide crackdown aimed at suppressing the millions of people who oppose military rule.

The junta reversed its endorsement two days later, stating that it would consider "suggestions made by ASEAN leaders when the situation returns to stability."³⁴ Although it hasn't officially been proven yet, strong evidence exists suggesting that since the coup, the junta has committed crimes against humanity and war crimes, including mass killings, torture, arbitrary detentions, and indiscriminate attacks on civilians. Instead of putting a stop to the attacks, the junta has increased its abuses of human rights.

Meanwhile, Human Rights Watch (HRW) claims that the five-point consensus has become a pretext for governments such as the United Kingdom (UK), the United States (US), Australia, and European Union (EU) member states to postpone real action in the name of waiting for ASEAN leadership. The junta has taken advantage of the international community's deference to the regional bloc, which has a long history of failing to fulfill its responsibility to protect Southeast Asia's people under its principles of non-interference and consensus.

Myanmar's refusal to meet consensus commitments has exposed cracks within ASEAN. Several ASEAN countries, most notably Malaysia and Indonesia, frequently joined by Singapore and the Philippines, have publicly criticized the junta's intransigence, calling for a continued ban on political representatives from future summits.

Sanctions on Myanmar

The United States and its allies Canada, the United Kingdom, and Australia have imposed new sanctions on Myanmar, increasing pressure on the military regime two years after it overthrew the civilian government led by Aung San Suu Kyi in a coup. The sanctions are intended to pressure the government to improve its human rights record and promote democratic reforms in the country. Individuals targeted by sanctions are senior Myanmar military figures who are responsible for such international humanitarian and human rights law violations. The sanctions are meant to hinder the military and its development. However, the US has propped up a humanitarian aid fund for Myanmar.

³⁴ "Myanmar: ASEAN's Failed '5-Point Consensus' a Year On." *Human Rights Watch*, 26 Oct. 2022, www.hrw.org/news/2022/04/22/myanmar-aseans-failed-5-point-consensus-year.

POSSIBLE SOLUTIONS

Holding the military accountable for past atrocities

Democratic governments and institutions of other nations should hold the military accountable for past atrocities, through restricting its access to critical resources such as foreign currency and weapons. Policymakers should support ASEAN's efforts to exclude the military regime from key summits and prevent it from participating in other international bodies that would give it legitimacy. Democracy advocates should advocate for a global arms embargo and closely monitor US and international sanctions violations. Judicial action should also be considered, if the democratically elected government is reinstated and gains full control of the state, without sharing power with the Tatmadaw.

Imposition of sanctions

Sanctions may impose costs that will not reverse the coup but may provide some leverage or deterrence in the future. Some measures, such as cutting off weapons shipments, can also help ensure that governments that previously supplied arms are not complicit if the military uses force against Myanmar's people again. However, sanctions should be formulated with a clear understanding of their shortcomings. Before Myanmar's transition, which began in 2010, the US, EU, and others imposed harsh sanctions, which harmed the population and the junta's economic mismanagement. The sanctions alienated Myanmar's neighbors, who saw them as weak, and because of the sanctions, created an unhelpful West-versus-East dynamic that obstructed cooperation. Sanctions played no decisive role in Myanmar's democratic opening in 2011. Also, sanctions tend to affect the population and not those in power, which is why, if sanctions are to be imposed, need to be targeted. Steering a policy course today necessitates humility about external actors' limited influence over internal developments and a historical perspective.

External intervention

External actors can make a difference in Myanmar. Governments that want to signal the importance of a return to democracy should, as the United States has done, adopt tailored measures that seek to punish those responsible for the February coup's actions, while avoiding penalizing the country's population, who are the coup's victims and, in many cases, are risking their lives by protesting against it. Sanctions on military-owned enterprises could be among such punitive measures as long as they do not harm the broader economy or people. During this volatile period, all governments should suspend the delivery and sales of weapons and other defense and dual-use equipment and maintain this policy until the legitimate civilian government is restored. At the same time, there is little to be gained by cutting off communication

with the Tatmadaw, an institution that controls the country's immediate future, regardless of how objectionable its actions are.

Finally, external actors should keep in mind that, while they may not be able to act in concert on every aspect of policy concerning Myanmar's democratic reversal, they must retain the ability to collaborate in order to reduce the risk of further violence employed against civilians. Protest crackdowns are a real risk and given that Myanmar is a heavily militarized country with dozens of heavily armed ethnic groups and militias, violence could escalate in other ways as well. Western and Asian governments alike should prioritize keeping space open for coordination among themselves when planning their responses.

Demilitarization of Myanmar

Military-owned companies

Myanmar's military-owned companies were looking to privatize their assets when the country's population elected a government committed to establishing a transparent market economy.

One barrier to reforming military-owned companies is through the United States' economic sanctions, which prohibit US companies from investing in Myanmar and importing goods manufactured there. Since Myanmar began its democratic transition in the spring of 2011, the United States has gradually eased sanctions. However, Myanmar's two main military-owned companies remain on the Treasury Department's Specially Designated Nationals List.

Judicial-military relations

While scholars have examined the role of courts in authoritarian regimes in general, judicial-military relations have received less attention. In military regimes, the courts are at risk of militarization, which is the process of making judges loyal to the military through practices such as career path socialization, selection, and court restructuring. For judges, this creates an entry-exit dilemma. The conundrum is that if judges committed to civilian rule do not join the bench, they risk handing over the judiciary to military partisans with little chance of reform. Joining the judiciary, however, carries the risk of being co-opted and lending legitimacy to the military regime, or of being forced out if politics shifts from civilian to military rule. Thus, efforts should be made to restore democracy in Myanmar without including the military in its power structure, meaning that a new constitution outlawing the current

military and its leadership would be deemed necessary to “liberate” the judicial system.

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