

Committee: Security Council (SC)

Topic: The situation in Myanmar

Student Officer: Fani Kantzavelos

Position: Deputy President

Personal Introduction

Dear Delegates,

My name is Fani Kantzavelos, and I am in the 10th grade at Athens College – HAEF in Psychico. I am honored to be serving as one of the Deputy Presidents of the Security Council in the CSMUN 2021. I will be serving as the expert chair on the topic of: “The situation in Myanmar”. This topic specifically intrigued me, since the political change Myanmar has undergone is very intriguing.

This study guide should equip you with the necessary information to understand the topic and form constructive resolutions. However, you are highly encouraged to conduct research on your own, as you will be able to have a better grasp on the topic, especially on your delegation’s policy and involvement on the issue. The bibliography at the end of the study guide can be a steppingstone for that. If you have any questions during your preparation, please do not hesitate to contact me via email. I am looking forward to meeting you all!

Yours truly,

Fani Kantzavelos

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Topic Introduction

Myanmar is a country located in Southeast Asia, bordered by Bangladesh and India to its northwest. Having been a British crown colony, and now a country under a military junta, political instability has been present in Myanmar for the past century. World War II played a pivotal role in creating and establishing the Republic of the



Union of Myanmar, but not as we know it today. The Union of Myanmar was meant to unite all seven states of the country, but as time has passed, its founding principles have been neglected. Civilian insurgence due to political instability has caused the long reign of the military in Myanmar, which in effect has brought years of turmoil to the people. From 1988, the military junta has been in control of all legislative authorities. Myanmar's rightful State Counsellor, Aung San Suu Kyi, has been stripped of her freedom multiple times, just because she has openly been an advocate for democracy in Myanmar.¹

From 2010, democracy was finding its way in Myanmar, and former sanctions imposed on the country were being relaxed. The ICJ trial convicting Myanmar on the basis of the Genocide Convention in the case of the ethnic group of Rohingya Muslims was a turning point for Aung San Suu Kyi. She protected the military's actions, by denying all claims of the situation.²



Figure 1: "Hundreds of thousands of people gathered in Yangon on Feb. 17 to protest the military's ouster of civilian leadership".

¹ "Myanmar since 1988." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., www.britannica.com/place/Myanmar/Myanmar-since-1988.

² Goldman, Russell. "Myanmar's Coup and Violence, Explained." *The New York Times*, The New York Times, 29 May 2021, www.nytimes.com/article/myanmar-news-protests-coup.html.

Unfortunately, on February 1st, 2021, the military staged a coup d'état, declaring a state of emergency for the time period of one year. The international front has condemned Myanmar for its actions, specifically for its human rights violations', and it is believed that the only solution is the ousting of the military once and for all.³ Myanmar has seen the most political uprising during this time, and the strictest crackdown of the police on protesters. Myanmar is in dire need of international involvement, but this has not yet been seen, due to other countries trying to protect their interests in Myanmar.

Definition of key terms

Command Economy

“An economic system in which the government controls the type, supply, and price of the goods that are produced”.⁴ This economic system is usually implicated in communist or socialist regimes. The most well-known example of a command economy is the Soviet Union, which had a central economic plan, and controlled the economy through the decisions of the administration in power.

Coup d'état

“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”. A coup d'état is also known as a coup.⁵

³ Onello, Michelle, and Akila Radhakrishnan. “Reversing the Coup Is No Solution for Myanmar.” *The Diplomat*, The Diplomat, 13 May 2021, thediplomat.com/2021/05/reversing-the-coup-is-no-solution-for-myanmar/.

⁴ “Command Economy.” *Cambridge Dictionary*, Cambridge Dictionary, dictionary.cambridge.org/dictionary/english/command-economy.

⁵ “Coup D'état.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., www.britannica.com/topic/coup-detat.



Ethnic Group

“A social group or category of the population that, in a larger society, is set apart and bound together by common ties of race, language, nationality, or culture”.⁶

Genocide

“The murder of a whole group of people, especially a whole nation, race, or religious group”.⁷

Guerilla Warfare

“Type of warfare fought by irregulars in fast-moving, small-scale actions against orthodox military and police forces and, on occasion, against rival insurgent forces, either independently or in conjunction with a larger political-military strategy”.⁸

Instability

“Uncertainty caused by the possibility of a sudden change in the present situation”. In the specific situation of Myanmar, the instability is political, meaning that a government can be easily overthrown by the military, or another political party.⁹

Junta

“A government, especially a military one, that has taken power in a country by force and not by election”.¹⁰

State of Emergency

⁶ “Ethnic Group.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., www.britannica.com/topic/ethnic-group.

⁷ “Genocide.” *Cambridge Dictionary*, Cambridge Dictionary, dictionary.cambridge.org/dictionary/english/genocide.

⁸ “Guerrilla Warfare.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., www.britannica.com/topic/guerrilla-warfare.

⁹ “Instability.” *Cambridge Dictionary*, Cambridge Dictionary, dictionary.cambridge.org/dictionary/english/instability.

¹⁰ “Junta.” *Cambridge Dictionary*, Cambridge Dictionary, dictionary.cambridge.org/dictionary/english/junta.



“A temporary system of rules to deal with an extremely dangerous or difficult situation”.¹¹ Usually, a government announces a state of emergency when there is a mass threat to the country and its people. However, military coups and juntas proclaim a state of emergency in order to justify their illicit and inexplicable actions, seeking for power and control.

Background Information

British Colonialism

Myanmar, which at the time was known as Burma, was captured by the British in 1824, and was a British colony until 1948. During the years of British colonialism, Burma was not satisfied with the state of power, and in turn, fought using guerilla warfare against the British. Burma became a province of India, a decision made by its colonizers, which lasted until 1937.

¹²

Burma was never content with British rule, but it didn't have any effect on the power hold of Britain. Britain removed and abolished the Burmese monarchy, dismantled the religious connection to Burmese power, and

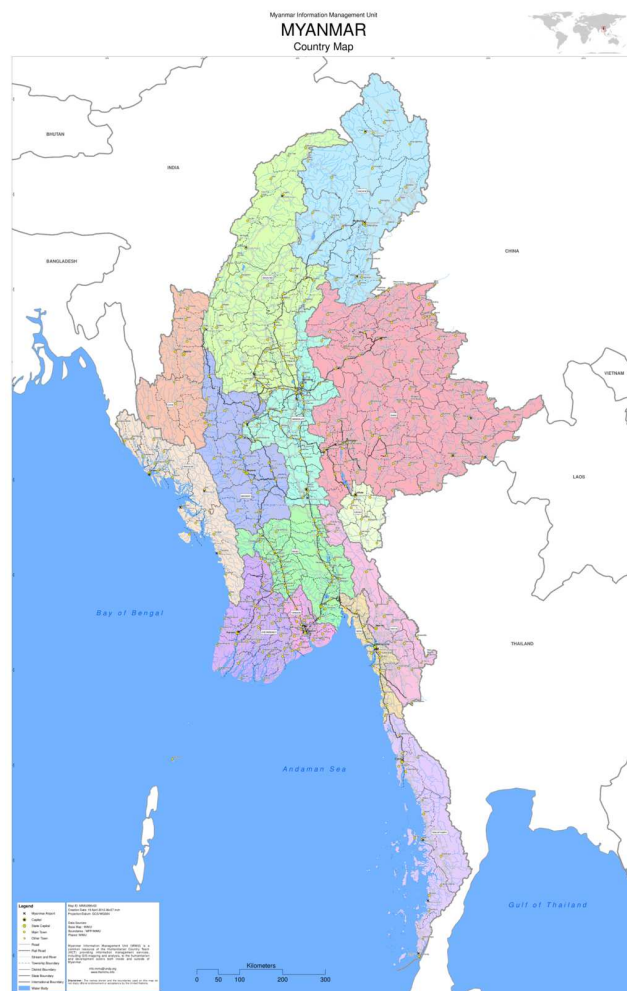


Figure 1: Myanmar and its 7 States ¹²

¹¹ “State of Emergency.” *Cambridge Dictionary*, Cambridge Dictionary, dictionary.cambridge.org/dictionary/english/state-of-emergency.

¹² “Administrative Map - Myanmar Country Map Large.” *UNHCR Operational Data Portal (ODP)*, UNHCR, data2.unhcr.org/en/documents/details/50053.

exploited and left the Burmese economy in an abysmal state. It is said that the Burmese economy underwent some of the most devastating disasters in all of western colonialism.¹³

World War II

When World War II erupted, Burma had no direct involvement. However, when Japan started invading Asia, and approached the Southeastern regions, the British proposed for Burma to align with them. The Burmese would only do so, if negotiations were to take place with their colonizers regarding their sovereignty. The British were unwilling to do so, and Burma found itself forming agreements with Japan for independence. This managed to happen through Japanese intelligence visiting Myanmar as journalists, in hopes of capturing Burma.

Aung San, considered to be the “father” of Burma/Myanmar and the father of Aung San Suu Kyi, was the first to cooperate with Japan. Japan invaded Burma in 1942, and required Burma to declare war against the allies, in hand for their independence, which would be under wartime administration. The Japanese invasion brought a lot of communal violence to ethnic groups in Burma. However, Aung San began to fear Japan’s capability of winning the war and established the Antifascist People’s Freedom League (AFPFL). Alongside the AFPFL, Aung San met with the British, to gain their support, which he did. He also organized a meeting between Burma’s National Army and the two parties in Burma at the time. After this meeting, supplies were secretly stored in preparation for the fight against the Japanese. In June of 1945, Burma was finally liberated by the British.

Post-World War II

¹³ “The Administration of Dynastic Myanmar.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., www.britannica.com/place/Myanmar/The-administration-of-dynastic-Myanmar.



Burmese Independence

Aung San was to formally disband his army after World War II, and he did. However, he organized the People's Volunteer Organization (PVO), which after some time had 100,000 members. The PVO was widely supported and brought worry to the British. In 1947, Aung San signed an independence agreement with the British, which stated that Burma would enter the British Commonwealth, with the option to leave, while also giving the government full governance over the military. In turn, Britain would sponsor Myanmar's admission in the UN.

Aung San also signed a different agreement, the Panglong Agreement, but excluded many ethnic groups from it. The Panglong Agreement called for unity in Myanmar within its seven states. In April 1947, elections were held, and Aung San and his party won the majority of seats. He formed his own cabinet, with diverse politicians. Sadly, on July 19th, 1947, Aung San was assassinated along with the most promising politicians of Burma.

1948-1962

After Aung San's assassination, the Union of Myanmar was divided. Ethnic groups gave support to different people and parties, and the country was unstable. In 1958, the situation was gradually improving, but the ruling AFPFL had internal disagreements. Thus, U Nu invited Ne Win to bring stability by assuming premiership. This was considered to be a constitutional coup, but democracy was still prevalent in Myanmar. Ne Win managed to solve all of the concerns at the time of his appointment, and he even prepared the country for elections. In 1960, U Nu won the elections with an undisputed absolute majority.

The Military Coup of 1962

In 1962, Ne Win staged a coup, arresting U Nu, and justifying it through the protection of the Union of Myanmar. Ne Win's vision was to establish a one-party socialist state, which he effectively did. He established a command economy in Myanmar, which was not successful in its first years. Ne Win promised a new constitution, after suspending the 1947 constitution. This constitution was formed



through the party's central committee and included many ethnic groups. In 1973, it was put up to a referendum, and 90% of eligible voters wished for its implementation.

Elections to the People's Assembly and local People's Councils were held, and a government was formed in 1974, with Ne Win as president. Myanmar's economy started to grow, and a policy change made Myanmar eligible for foreign aid. In the 1980's, the economy's growth was stunted due to its outdated format for the times and the natural evolution of the country. Also, insurgencies of different groups started to erupt in the country. The country's situation was very fragile.

The Military Coup of 1988

The 1990's

Civilian unrest in the 1980's led to the military coup d'état in 1988, which has been reigning since. All the student and worker protests were showing signs of Myanmar being on the verge of a revolution. However, the end results of this mass insurgence was military seizure of the government by General (Gen.) Saw Maung. Martial law was imposed on all of Myanmar, and the State Law and Order Restoration Council (SLORC) took over constitutional government. The SLORC changed the country's name from Burma to Myanmar. It also implemented all of the economic reforms proposed/drafted by the previous government.

In 1990, Myanmar held the country's long-awaited multi-party elections for drafting a new constitution. The NLD won 4/5 of the seats.¹⁴ Unfortunately, the military junta was not satisfied with the election results, and did not allow the assembly to meet, nor draft a constitution. This reaction was met with heavy sanctions from many western countries. Aung San Suu Kyi, having been detained unjustly in 1989, was in a difficult position. She was under house arrest until 1995.

¹⁴ "Myanmar since 1988." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., www.britannica.com/place/Myanmar/Myanmar-since-1988.



After the unfortunate event of the military discredited elections, a National Convention was assembled to draft a constitution, which did not meet often, nor reach its goal until 2008. The military doubled its troop force, and initiated ceasefires with rebels in different areas of Myanmar. In 1997, the SLORC changed its structure, and was named the State Peace and Development Council (SPDC). It also joined the Association of Southeast Asian Nations (ASEAN), which was highly discouraged and frowned upon by the international scene, namely the US, which did not want countries legitimizing the coup.

The First Decade of the 21st Century

In 2001, the SPDC released around 200 political prisoners, after negotiating with Aung San Suu Kyi. In 2003, Myanmar received even more restrictions and sanctions from the EU and the US.¹⁵ In 2007, due to fuel prices reaching outrageously high prices, monks and civilians joined together in the protests of the Saffron revolution. This unrest led to the adoption of the constitution of 2008. However, the cyclone Nargis hit Myanmar terribly during the time it was to be put to a referendum. Many were devastated from the cyclone, and the referendum that followed shortly after is said to be illegitimate, due to the immense suffering the Burmese went through. Nonetheless, the constitution took effect in 2010, with provisions that ensured the military's involvement in future governments.

The Road towards Democracy

Elections in 2010

In 2010, election reforms were made, annulling the results of the 1990 elections, but also prohibiting certain persons from participating in elections. The latter were two reforms which were specifically targeted at Aung San Suu Kyi. On top of these reforms, parties wishing to participate in the elections were required to register, or else they would have to disband. This meant that the NLD would have to accept the

¹⁵ "Myanmar since 1988." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., www.britannica.com/place/Myanmar/Myanmar-since-1988.



annulment of the 1990 elections and expel Aung San Suu Kyi and other party members. Instead, the NLD disbanded. All international observers, aside from China, called the elections a means of legitimizing the military's power. Aung San Suu Kyi was released six days later from her house arrest, proving the illegitimacy of these elections.

Elections in 2012

The year before, the SPDC was disbanded. Gen. Thein Sein assumed power, and implemented political and social reforms, including amnesty to political prisoners, ceasefires with ethnic group insurgents, and the relaxation of Aung San Suu Kyi's sentence. The NLD was allowed to participate in the April 2012 elections, of which it won 43 out of 45 seats. Due to this democratic progress in Myanmar, officials such as Hillary Clinton and President Obama visited the country.

Elections in 2015

The elections of 2015 are said to be the first freely contested elections held in modern-day Myanmar. The NLD clearly proved in the ballot counting that the win was theirs. In 2016, the NLD was called upon to form a government, with the military controlling the army and the police. Aung San Suu Kyi could not become president of Myanmar. Instead, a close ally of hers, Htin Kyaw, assumed the presidency.

Aung San Suu Kyi's Democratic Success

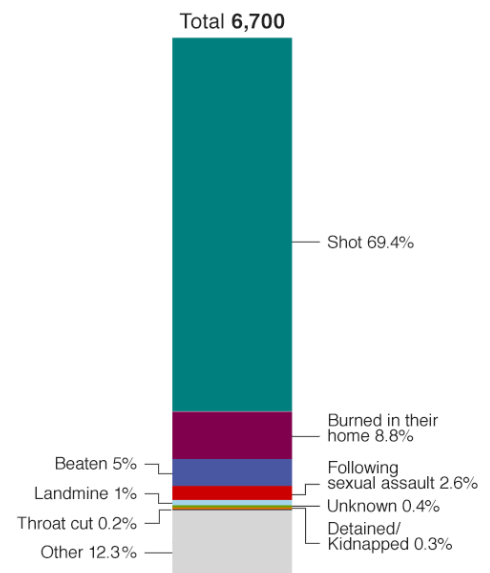
The NLD managed to limit the military in parliament. In their first term, many reforms were made, social progress was seen, universities opened up, economic development was underway; in general, Myanmar was in a satisfactory situation compared to previous years. Parliamentary majority in the first years just meant offering stability to the people of Myanmar. Aung San Suu Kyi became the State Counsellor of Myanmar, which equals to being a Prime Minister. Parliamentary majority was also seen in the November 2020 elections, where the government parties found themselves with even less seats.

Rohingya Genocide



The Rohingya genocide was not something newly discovered; at least the violence the Rohingya suffered wasn't. The Rohingya are an ethnic group in Myanmar, which have never been included in citizen status agreements, or citizen census. As Antonio Guterres has said, the Rohingya are "one of, if not the, most discriminated people in the world".¹⁶ Myanmar deems the Rohingya as illegal migrants from Bangladesh, but the reality of it is that they have always been in Myanmar, and they belong there. Bangladesh denies this claim, which renders the Rohingya stateless.¹⁷

Causes of violent deaths among Rohingya



Source: Medecins Sans Frontieres (25 August to 24 September 2017 data)

Figure 3: Satellite image of burnt Rohingya villages

In 2017, there was a huge insurgence in the Rakhine state, which provoked military action and incited violence on all of the Rohingya. There were many who fled to Bangladesh, but they weren't accepted there. It is said that many Rohingya

Satellite images show destroyed Rohingya village



Source: Human Rights Watch, Satellite image 21 September 2017

Figure 4: Percentages of Rohingya killed in 2017

women and girls were abused and raped. On top of this, many villages were burnt

¹⁶ "Myanmar Rohingya: What you need to know about the crisis." *BBC News*, BBC, 23 Jan. 2020, <https://www.bbc.com/news/world-asia-41566561>.

¹⁷ Wright, Rebecca. "Accounts of rape, burning children and murder: How a Rohingya massacre unfolded at Tula Toli." *CNN*, Cable News Network, <https://edition.cnn.com/2017/11/12/asia/myanmar-rohingya-tula-toli-massacre-testimony/index.html>.

down. The military undeniably committed horrendous and indescribable crimes and violated the human rights of innocent people.¹⁸

The Gambia took Myanmar to the ICJ in 2019, but Aung San Suu Kyi disappointed the international scene, by denying the claims of genocide. Although many were baffled by this sudden stance, it is believed that this stance was adopted to appease the military, in hopes of further democratic progress. The ICJ has issued orders on the case, but there are still suspicions of human rights violations to this day, especially in the Rakhine State.

February 1st, 2021

Military Takeover

On February 1st, 2021, the military junta staged a coup d'état, and declared a one-year state of emergency. February 1st was the date that the newly assembled parliament was supposed to meet after the 2020 elections in November. The military junta had asked for this meeting to be postponed, but parliament denied, and decided to keep the date the same. The military in retaliation seized control, suspended parliament, and made Myint Swe, former Vice President, the President of Myanmar.

This state of emergency was apparently to ensure stability in Myanmar, and to work on certain things in Myanmar in hopes of “legitimizing” the 2020 elected parliament. It was originally supposed to last one year. Unfortunately, as of August 1st, 2021, Gen. Min Aung Hlaing has proclaimed himself the prime minister of Myanmar until 2023. He pledged to hold elections in August of 2023, when “stability” will have been restored to the country. Members of the NLD, including Aung San Suu Kyi and Win Myint (President of Myanmar from 2018-2021) have been illegally detained, and Kyi is also on trial. The military takeover was most expectantly a result of the NLD

¹⁸ “MSF estimates more than 6,700 Rohingya killed in Myanmar.” *BBC News*, BBC, 14 Dec. 2017, <https://www.bbc.com/news/world-asia-42348214>.



slowly taking over Myanmar. Since Myanmar was inevitably becoming a democracy, the military needed to regain control when they still could-and they did.

National and International Response

National protests have erupted all over Yangon and other major cities of Myanmar. Peaceful protests and demonstrations have been silenced by the military and the police force, which have tortured and abused many citizens. Many have died, and protesters have turned to guerilla warfare. This is a direct response to the military using lethal bullets against protesters.

The EU, UK, and US have issued sanctions and strict limitations to Myanmar and its military officials. Sadly, the UN has only adopted resolutions and issued statements calling for Myanmar to reinstate its parliament, release Aung San Suu Kyi and members of her party, stop violence against Burmese civilians, and carry out investigations through UN bodies. Nonetheless a resolution is not legally binding, only encouraging, and therefore the intergovernmental response hasn't been strong. Even ASEAN has not been able to help Myanmar revisit its democratic progress.

Nevertheless, there have been some promising international reactions. Countries who on the one hand have interests in Myanmar, have started to reduce their protection over the military junta, and are starting to align themselves with views of democratic progress in Myanmar. Since the state of emergency was extended, ASEAN has undergone criticism for not pressuring Myanmar at all.¹⁹ From a general scope, Myanmar is currently in the midst of a crisis, and will be until further strict international intervention.

¹⁹ "Myanmar Military Extends State of EMERGENCY, Promises Vote in 2 Years | CBC News." *CBC*, CBC/Radio Canada, 1 Aug. 2021, www.cbc.ca/news/world/myanmar-state-of-emergency-until-elections-1.6126128.



Major countries and organizations involved

India

India and Myanmar have had ups and downs in their relations. When Burma (at the time) became independent, the relations of the two were strong, mostly due to the fact that Myanmar was once an Indian province, and there were similarities in culture and customs. India is a trading partner of Myanmar, but this is a result of India's effort to fight Chinese influence in Myanmar. In 2013, India provided a 500 million USD loan, to develop Burmese assets. In 2016, the India-Myanmar-Thailand Friendship Highway was completed. India has not criticized Aung San Suu Kyi's handling of the Rohingya situation. However, it has been working closely with Myanmar to modernize its military. Through the pandemic, India has given 1.7 million vaccines to Myanmar. Unfortunately, with the 2021 military coup, India has been very reserved in its remarks. "India has adopted a cautious approach to events unfolding in Myanmar. While it has clearly expressed its 'support' to the "democratic transition" in Myanmar, it has avoided criticizing the military".²⁰

Japan

When Aung San Suu Kyi was democratically elected, Japan pledged 2.1 million USD for Myanmar's development. This is the result of Myanmar being caught between Japan's and China's effort to dominate the Asian economy. In 2016, when the Rohingya genocide was predominant in Myanmar, Japan did not criticize the government's actions. In 2019, Japan was the first country to come to Myanmar's side during the ICJ trial. The Japanese ambassador to Myanmar, Ichiro Maruyama said "I don't think that the Myanmar Tatmadaw [military] committed genocide or [had the]

²⁰ Ramachandran, Sudha. "India's Dangerous Myanmar Policy." *The Diplomat*, The Diplomat, 26 Mar. 2021, thediplomat.com/2021/03/indias-dangerous-myanmar-policy/.



intent of genocide. I also don't think that they have intention to kill all the Muslim residents in Rakhine".²¹

The Burmese people see Japan as their most trustworthy ally, but in reality, the relationship between the two countries is driven by Japanese geopolitical interests. After the 2021 coup, Japan has condemned Myanmar, since it is a member of the Group of 7 (G7). Even Japan's Lower House (organ of parliament), opposed the military junta.²² No sanctions have been imposed by Japan. This most likely stems from Japan's view of sanctions fueling situations; an opinion expressed during the 2019 ICJ trial.²³

People's Republic of China

China has had steady relations with Myanmar since 1950. Myanmar (Burma at the time) was one of the first countries to recognize the People's Republic of China. In result, the two countries signed a treaty of friendship, under the spirit of kinship. China is one of the first countries to establish trade relations with Myanmar, and the estimated value of them are around 1.4 billion USD.²⁴ Myanmar has tried to not be so dependent on China, but China still plays an influential role.

In recent years, China has taken a step back from backing Myanmar's political actions, and instead is rooting for political stability in the country. Myanmar has also signed a joint letter to the UN Human Rights Council, justifying China's actions against the Uyghur population, an ethnic Muslim group, seeing as Myanmar has done the same to the Rohingya.

²¹ Lwin, Nan. "Japan Backs Myanmar's Claim That No Genocide Occurred in Rakhine State." *The Irrawaddy*, The Irrawaddy, 27 Dec. 2019, www.irrawaddy.com/news/burma/japan-backs-myanmars-claim-no-genocide-occurred-rakhine-state.html.

²² "Japan's Lower House Slams Myanmar Coup, Calling for Return to Democracy." *The Japan Times*, The Japan Times, 8 June 2021, www.japantimes.co.jp/news/2021/06/08/national/politics-diplomacy/japan-myanmar-resolution/.

²³ Nagakoshi, Yuzuki. "Japan and Myanmar's Toxic Friendship." *The Diplomat*, The Diplomat, 15 Jan. 2020, thediplomat.com/2020/01/japan-and-myanmars-toxic-friendship/.

²⁴ "China–Myanmar Relations." *Wikipedia*, Wikimedia Foundation, 23 June 2021, en.wikipedia.org/wiki/China%E2%80%93Myanmar_relations.



When the 2021 military coup took place in Myanmar, China blocked a statement from the Security Council threatening economic sanctions. This is due to China's investments in Myanmar. China stated the coup was a cabinet reshuffle and has stood by that statement despite the number of protests taking place in Myanmar. China even supplied two of their national vaccines to Myanmar in the midst of the COVID-19 pandemic. In general, China is an undoubted ally to Myanmar.

United States (US)

The US has had turbulent relations with Myanmar. Relations between the two were fragile after the 1988 military coup. The US passed the Burmese Freedom and Democracy Act (BFDA) in 2003, which banned Burmese imports to the US and financial services to Myanmar. Aside from the BFDA, sanctions were imposed on Myanmar. After Myanmar started having democratic elections in 2012, sanctions were eased. In 2016, Aung San Suu Kyi visited the US, which was very important for their bilateral relations. In 2017, when violence against the Rohingya was prevalent, the US withdrew its military aid to certain Burmese army units. In 2018, it finally re-imposed sanctions, and in 2019, they became more extensive.

The 2021 coup d'état led the Biden administration to impose sanctions on members of Myanmar's military junta and their business partners. However, a statement from the White House says, "USAID will continue its support to the people of Burma with approximately \$69 million (USD) in bilateral programs that provide direct benefits to sustain and improve the health of the people of Burma, including efforts to maintain democratic space, foster food security, support independent media, and promote peace and reconciliation in conflict-affected regions".²⁵

Association of Southeast Asian Nations (ASEAN)

²⁵ "FACT SHEET: Biden-Harris Administration Actions in Response to the Coup in Burma." *The White House*, The United States Government, 11 Feb. 2021, www.whitehouse.gov/briefing-room/statements-releases/2021/02/11/fact-sheet-biden-harris-administration-actions-in-response-to-the-coup-in-burma/.



ASEAN was established in 1967, but Myanmar joined in 1997, on the 30th anniversary of ASEAN. Since Myanmar's economy was quite developed in comparison to other countries in the region, their membership was and is seen as an asset. ASEAN hoped that by allowing them to be a member it would somehow overturn the oppression of democracy in Myanmar.²⁶

This has been the complete opposite. "The non-interference principle protects and guarantees ASEAN member states' independence and sovereignty. The said principle is reinforced by a decision-making process that is based on 'consultation and consensus' and a focus on the peaceful resolution of inter-state disputes, but remains silent on resolving intra-state conflicts of ASEAN member states that more or less have regional repercussions and impacts on regional security, more particularly human security".²⁷ Unfortunately, this policy is also included in the founding principles of ASEAN, making it quite difficult for individual member states to interfere or help Myanmar. Even though ASEAN has been striving to have meetings with Aung San Suu Kyi, or at least meetings in Myanmar, the military junta is the one leading the initiative. Meetings in Myanmar are not even on the table, as long as there is "stability" within the country.²⁸

European Union (EU)

The EU has been quite involved in Myanmar's road to democracy. The EU is committed to establishing a state of democracy in Myanmar, along with ASEAN, its partner in Asia. The EU had imposed sanctions on Myanmar, but during the democratic elections that started taking place in 2010 and onward, it relaxed them.

²⁶ Cribb, Robert. "BURMA'S ENTRY INTO ASEAN: BACKGROUND AND IMPLICATIONS." *Asian Perspective*, The John Hopkins University Press, vol. 22, no. 3, 1998, pp. 49–62., <https://www.jstor.org/stable/42704181>.

²⁷ Malindog-Uy, Anna. "Myanmar Crisis: What Is ASEAN Doing?" *The ASEAN Post*, The ASEAN Post, 10 Feb. 2021, theaseanpost.com/article/myanmar-crisis-what-asean-doing.

²⁸ Nitta, Yuichi. "Myanmar's Junta Chief Meets with ASEAN Representatives." *Nikkei Asia*, Nikkei Asia, 4 June 2021, asia.nikkei.com/Spotlight/Myanmar-Crisis/Myanmar-s-junta-chief-meets-with-ASEAN-representatives.



The EU has been present in elections in Myanmar, and in treaties its signed, as an international witness.

The biggest program the EU has concerning financial aid in Myanmar is the Multiannual Indicative Programme 2014-2020, which funded 688 million euros over the course of 6 years, in hopes of developing Myanmar. The EU has also launched the EU strategy for Myanmar (2016), which looks to maintain democracy in Myanmar, appease tensions between the Rohingya and the military, respect human rights, and work on European business protection in Myanmar. The EU has contributed to Burmese trade as well, and in increasing political and economic development. In light of the 2021 military coup d'état, the EU has relinquished access to financial aid. As of June 21st, 2021, the EU has imposed sanctions on 8 military officials, 3 economic entities, and the War Veterans Organization. However, the EU has allocated 20.5 million euros for humanitarian aid in crisis areas.²⁹

Timeline of events

<u>5 March 1824</u>	The first Anglo-Burmese War, signaling the start of British colonization in Burma.
<u>12 February 1947</u>	General Aung San and 21 delegates of the Shan, Kachin and Chin finally signed the historic Pinlon Accord also known as the Panglong Agreement. They agreed to the independence of a unified Myanmar, which became the Union of Myanmar. ³⁰
<u>4 January 1948</u>	The British granted independence to Burma.

²⁹ "Myanmar/Burma: Third Round of EU Sanctions over the Military Coup and Subsequent Repression." *Consilium*, European Council | Council of the European Union, 21 June 2021, www.consilium.europa.eu/en/press/press-releases/2021/06/21/myanmar-burma-third-round-of-eu-sanctions-over-the-military-coup-and-subsequent-repression/.

³⁰ "Panglong Agreement, The." *Religion and Public Life at Harvard Divinity School*, rpl.hds.harvard.edu/faq/panglong-agreement.

<u>2 March 1962</u>	The military coup d'état led by General Ne Win took over Burma for 26 years.
<u>January 1974</u>	The constitution of Myanmar was ratified after a referendum that took place the previous month.
<u>15 October 1982</u>	"New citizenship law passed identifying 135 national ethnic groups. The Rohingya aren't one of them, effectively rendering them stateless". ³¹
<u>8-13 August 1988</u>	"Police in Burma killed nearly 3,000 protesters in the streets of Rangoon. The massive nationwide strikes became known as '8888'". ³²
<u>18 September 1988</u>	The military junta led by General Saw Maung took over Burma and has been controlling the country since then.
<u>1989</u>	Burma was renamed to Myanmar.
<u>23 July 1997</u>	Myanmar joined ASEAN.
<u>2012</u>	The kyat (Burmese national currency) was released to world markets.
<u>2016-2017</u>	Military violence against the Rohingya population, an ethnic group in Myanmar. Most Rohingya fled as refugees to Bangladesh during this time period.
<u>11 November 2019</u>	The Gambia took Myanmar to the ICJ, on the basis of the Genocide Convention, in the case of the Rohingya.
<u>8 November 2020</u>	Democratic elections in which the NDL won, with an even larger majority than the previous ones.

³¹ "The Rohingya Crisis." *CNN*, Cable News Network, 13 Sept. 2017, edition.cnn.com/specials/asia/rohingya.

³² "Myanmar Events." *TIMELINES*, www.timelinesdb.com/listevents.php?subjid=&dayinhist=&date1=19000000&date2=20219999&words=Myanmar&title=Myanmar%20Events&fromrec=60.

1 February 2021	The military coup d'état took over, declaring a state of emergency which will last until August 2023. Myint Swe is the President of Myanmar during this time.
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Previous attempts to solve the issue

Burmese Constitutional Amendments

In March of 2020, the NLD proposed certain amendments to the 2008 military backed constitution. The 2008 constitution was drafted by a military appointed National Convention which included clauses allowing the military to hold 25% percent of legislative seats. When the NLD proposed to reduce the military's minimum parliament seats over the span of 15 years, and restrict the military's emergency powers, it was blocked by the military, due to their 25% legislative holding in parliament. This was one of the boldest attempts to relinquish military power, but with no avail result. The military once again managed to instill its power in Myanmar.

EU Imposed Sanctions (1990)

The EU first imposed sanctions on Myanmar in 1990 and re-affirmed them in 1996.³³ The EU imposed additional, heavier sanctions on Myanmar in 2003, after the SPDC once again unlawfully detained Aung San Suu Kyi. This addition of sanctions was long-awaited, due to the still rejected election results (at the time) of 1990, where Aung San Suu Kyi's party had the majority. This did take a toll on Myanmar's economy, but financial aid from China and increased investments kept it afloat. The EU kept these sanctions in force, until democratic reform was seen in the country.

In 2012, the EU started extending its support to Myanmar, through financial aid programs, and strategies for a sustainable democracy. In 2013, the EU lifted these sanctions, in spite of concern of human rights violations. During their effect, they were successful in restricting Myanmar. The problem with their removal is that they were so

³³ Lester QC, Maya, and Michael O' Kane. "Sanctions Profile: Burma / Myanmar." *Sanctions / Law, Practice, and Guidance*, 29 June 2021, www.europeansanctions.com/region/burma/.

hastily gone with the first sign of democratic change. New sanctions have been imposed, but these specific sanctions show how the EU was swayed by democratic progress in Myanmar, despite human rights violations in question.

US Imposed Sanctions

The US imposed economic sanctions on Myanmar in 1997, 7 years after the rejection of the election results of 1990. Leading up to this point, the US had reduced and restricted its diplomatic relations with Myanmar. Specifically, in 1990, the US ceased its economic and military aid to Myanmar. In 1997, alongside the economic sanctions came visa restrictions to Burmese military officials. This was around the time of Myanmar's admission to ASEAN, which has highly discouraged by the US.

During President Bush's term in the 2000's, sanctions were strengthened through the BFDA, and there were asset freezes from the US to Myanmar.³⁴ In 2012, these sanctions were relaxed, and in 2016, they were finally suspended. President Obama stated that "it was 'the right thing to do in order to ensure that the people of Burma see the rewards from a new way of doing business, and a new government'".³⁵ Sadly, the US followed the same path as the EU, valuing small democratic progress over evident human right violations and underground military power. The instability in sanctions and their provisions create problems in holding the military at bay and allowing a "democracy" to flourish.

³⁴ "Timeline: US-Burma/Myanmar Relations." *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, ISEAS–Yusof Ishak Institute, vol. 32, no. 3, Dec. 2010, pp. 434–436., <https://muse.jhu.edu/article/412811/pdf>.

³⁵ Kennedy, Merrit. "U.S. Lifts Economic Sanctions Against Myanmar." *NPR*, NPR, 7 Oct. 2016, 3:42 P.M. ET, www.npr.org/sections/thetwo-way/2016/10/07/497070188/u-s-lifts-economic-sanctions-against-myanmar?t=1626372420774.



Relevant UN Resolutions, Events, Treaties and Legislation

A/74/505

This letter, addressed to the Secretary-General in the UN General Assembly by the Permanent Representative of Myanmar, refers to the Memorandum on Myanmar and its democratic process. The letter in question describes the situation in 2019, and certain aspects which have raised concern in the international community. It touches the subjects of the peace process, social and economic development, the promotion and protection of human rights, cooperation with the UN, the Rohingya conflict/situation, and the repatriation process.³⁶ It was written in 2019, the same year Myanmar was called to the ICJ. However, the Permanent Representative of Myanmar did present reforms and progress being made in Myanmar.

A/HRC/RES/46/21

This resolution was adopted without a vote, on March 24th, 2021, in efforts to re-engage Myanmar into the democratic process. It calls for the humane treatment of Burmese civilians, the release of Aung San Suu Kyi and the rightful President of Myanmar, Win Myint, and other government officials. It asks for human rights violations to be addressed, while also asking for the adherence of the ICJ order of 2020 addressed to Myanmar. It generally stresses the need for Myanmar to continue its efforts towards democracy.³⁷

A/HRC/RES/S-29/1

The Human Rights Council adopted this resolution without a vote, calling for Myanmar to refrain from violence, respect human rights, endeavour of dialogue, and

³⁶ Suan, Hau Do. "Letter Dated 16 October 2019 from the Permanent Representative of Myanmar to the United Nations Addressed to the Secretary-General." Received by UN Secretary-General, 16 Oct. 2019.

³⁷ UN, Human Rights Council. "Situation of Human Rights in Myanmar : Resolution / Adopted by the Human Rights Council on 24 March 2021." *United Nations*, United Nations, 24 Mar. 2021, digitallibrary.un.org/record/3924454?ln=en.



release Aung San Suu Kyi and Win Myint. It also asks for the United Nations High Commissioner for Human Rights to look over and evaluate the situation in Myanmar.³⁸

A/RES/75/287

This resolution was adopted with 119 votes in favor, 1 vote against, and 36 abstentions.³⁹ It aims to restore democracy in Myanmar, through releasing Aung San Suu Kyi and Win Myint, and respecting the Burmese people's will of democracy. It also urges Myanmar to end all violence against civilians protesting peacefully, while also allowing journalists, media workers, labor union members, and others free, non-limited access to the Internet.⁴⁰

Possible solutions

Strict international intervention

UN

The UN has shown that it can intervene in international crises. The military junta restricts access to UN officials in Myanmar there to provide humanitarian aid, and in general restrict access to them in Myanmar. Instead of using resolutions to empower democratic change in Myanmar, it should be employing the United Nations High Commissioner for Human Rights and other important UN officials to Myanmar to tone down the situation and achieve peace between the military and civilians. "The international community must follow the Myanmar people's lead by refusing to allow

³⁸ UN, Human Rights Council. "Human Rights Implications of the Crisis in Myanmar : Resolution / Adopted by the Human Rights Council on 12 February 2021." *United Nations*, United Nations, 12 Feb. 2021, digitallibrary.un.org/record/3901283?ln=en.

³⁹ "United Nations, Main Body, Main Organs, General Assembly, Resolutions, Official Documents." *United Nations*, United Nations, www.un.org/en/ga/75/resolutions.shtml.

⁴⁰ UN, General Assembly. "The Situation in Myanmar : Resolution / Adopted by the General Assembly." *United Nations*, United Nations, 18 June 2021, digitallibrary.un.org/record/3930690?ln=en.



the military to return to its pre-coup power base and by securing adequate justice for current crimes as well as decades of unchecked human rights abuses”.⁴¹

Despite the fact that countries in the P5 have economic interests in Myanmar, sanctions are one of the few means which Myanmar cannot withstand. Member-states like China, which have invested a lot in Myanmar, should stand by their support of the democratic process in Myanmar. If the UN were to impose economic and military sanctions on Myanmar through the Security Council, then it would send a strong message to Myanmar and the international front; that just and fair behaviour should be exemplified throughout Myanmar, by stopping the state of emergency, and reinstating the rightful government and re-opening the parliament. UN sanctions of the sort would play a globally significant role in the human rights sector as well, since many violations are still suspected in Myanmar.

ASEAN

ASEAN is the closest organization to Myanmar, since it involves and unites Southeast Asia. Instead of following a “hands off” approach, which is very detrimental to the Burmese population, it should strive to intervene as a collective group in Myanmar’s undemocratic situation. ASEAN may wish to remain impartial, since some countries want to protect their mainly economic interests in Myanmar, like Thailand, but that won’t be possible when Burmese citizens start leaving Myanmar and going to other ASEAN countries. ASEAN should adopt a strong stance, meaning that it should openly condemn the coup, deny meeting with military officials unless the NLD parliament is no longer detained, and work closely with the EU on a shared plan of action concerning the situation in Myanmar.

International Criminal Court (ICC)

⁴¹ Onello, Michelle, and Akila Radhakrishnan. “Reversing the Coup Is No Solution for Myanmar.” *The Diplomat*, The Diplomat, 13 May 2021, thediplomat.com/2021/05/reversing-the-coup-is-no-solution-for-myanmar/.



The ICC is an international organ which has certain provisions concerning its function. The establishment of the ICC is based in the Rome Statute, which Myanmar isn't a signatory of. This leads to the ICC being able to only incriminate Myanmar in a non-party actor, which would be Bangladesh, due to the Rohingya finding refuge predominantly there.⁴² However, if the Security Council were to grant the ICC the right to investigate in Myanmar, the military junta could potentially be stopped. The main problem would be cooperating with the military, which would be very reluctant, as seen through ASEAN efforts. Either way, if the right power is granted to the ICC by the Security Council, Myanmar's military could finally be held accountable.

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⁴² Palmer, Emma. "Can the ICC Bring Justice to Myanmar?" *The Interpreter*, The Interpreter, 4 Oct. 2019, 07:00, www.lowyinstitute.org/the-interpreter/can-icc-bring-justice-myanmar.



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