

Committee: Special Political and Decolonization Committee (GA2)

Issue: The situation in Myanmar

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Position: Co-Chair

PERSONAL INTRODUCTION

Dear delegates,

My name is Modesti Markou and it is my great honor to serve as a co-chair at this year's Special Political and Decolonization Committee (GA2) of the 7th ATSMUN. I really enjoy politics, law and current affairs. Hence, my MUN journey commenced last year and since then I have a better understanding of the world and how it can become a better place. With MUN I have found a new inspiration for combating major problems that are common to people worldwide and pursuing sustainable solutions while making a difference for future generations.

The Special Political and Decolonization Committee's agenda for this year allows delegates to discuss exceedingly critical issues that require our attention. The following guide will facilitate your research and provide you with the necessary knowledge in order to comprehend the predicament of Myanmar. Nevertheless, I strongly encourage you to conduct further research on the topic before the conference as it is a very complicated issue and new information emerges every day. All delegates are expected to know their country's policy, debate on the topic and collaborate with others to provide feasible solutions.

I hope that you find this study guide both helpful and pleasant to read. Should you have any questions or need any clarifications regarding the topic, do not hesitate to contact me at modestimarkou@gmail.com.

I am looking forward to meeting you all!

Best wishes,

Modesti Markou

INTRODUCTION

Myanmar, formerly known as Burma, is a country located in Southeast Asia. It is a Buddhist majority country which has a population of approximately 54 million people. The official spoken language is Burmese, however there are 7 other principal regional languages. India, Laos, Bangladesh, China, and Thailand are its neighboring countries.

On February 1st, 2021, a coup commenced in Myanmar when the democratic ruling party, namely “National League for Democracy” (NLD), was overthrown by the military. The military declared a one-year long state of emergency and gave all power to the Commander-in-Chief of Defense Services, Min Aung Hlaing. The military proclaimed that the results of the November



2020 elections-which were won by a landslide by the NLD- were rigged while supporting that they will allow the elections to take place when the state of emergency is over.

A factor which complicates the situation is Myanmar's incredibly diverse and complex ethnic fabric; there are 135 recognized nationalities within its boundaries, and some, like the Rohingya, are deemed unrecognized. Ethnic minorities and the central authority have been at conflict since the country's independence leaving the nation divided. Combined with Myanmar's history which is characterized by junta and political instability the situation is all aggravated while the military still holds a significant amount of power in the political sector. Hence, it proved unchallenging for it to abolish democracy and seize control of the country again after a decade of prosperous democracy.

DEFINITION OF KEY TERMS

Military coup¹

An army's unexpected, illegal, and frequently brutal takeover of political power.

Junta²

A government, particularly a military one, that has seized control in a country through violence rather than via elections.

National League for Democracy³

NLD is a pro-democracy, Burmese political party which was founded on 27 September 1988.

Dictatorship⁴

Dictatorship is a type of governance in which one person, or a small number of people wield total authority over the rest of the country without effective constitutional restraints. The term dictatorship is derived from the Latin term dictator, which was used in the Roman Republic to refer to a temporary magistrate who was given enormous powers to deal with state crises. Contemporary dictators, on the other hand, resemble old tyrants rather than old dictators.

Tatmadaw⁵

Tatmadaw in Burmese means armed forces and it is the official name of the military forces of Myanmar. It is made up of the Army, Navy and Air Force and is overseen by the Ministry of Defense.

De facto leader⁶

A leader which exists and is in effect, however its position not officially decided or approved or recognized by the law.

House arrest⁷

The legal action of requiring someone to remain at home rather than in jail.

¹“Meaning of coup in English”. Cambridge Dictionary <https://dictionary.cambridge.org/dictionary/english/coup>

²“Meaning of junta in English”. Cambridge Dictionary <https://dictionary.cambridge.org/dictionary/english/junta>

³“Aung San Suu Kyi | Biography, Nobel Prize, & Facts | Britannica”. Britannica, 15 June 2021 <https://www.britannica.com/biography/Aung-San-Suu-Kyi#ref64491>

⁴“dictatorship | Definition, Characteristics, Countries, & Facts | Britannica”. Britannica <https://www.britannica.com/topic/dictatorship>

⁵“Militias in Myanmar – The Asia Foundation”, 2016/7 <https://asiafoundation.org/wp-content/uploads/2016/07/Militias-in-Myanmar.pdf>

⁶“Meaning of de facto in English”, Cambridge Dictionary <https://dictionary.cambridge.org/dictionary/english/de-facto>

Veto⁸

A government-issued authority or right to refuse to accept or authorize something.

Democracy⁹

The name is taken from the Greek *demokratia*, which was formed in the middle of the 5th century BCE from the words *demos* (“people”) and *kratos* (“rule”) to describe the political systems that existed in several Greek city-states at the time, most notably Athens. It describes a government in which the people have supreme authority and exercise it directly or indirectly through a representative system, which usually includes fair elections performed on a regular basis.

BACKGROUND INFORMATION

The situation in Myanmar between 1948-1988

Myanmar is a country that has suffered from military rule, poverty and civil war throughout its history. However, when the Union of Burma gained independence from British colonial authority in 1948, it established a parliamentary democratic regime. Yet, in 1962 General U Ne Win launched a military coup and ruled the nation until 1988.

Ne Win combined an oppressive military dictatorship with a socialist economic agenda, the basis of which was the nationalization of Burma's major industrial enterprises, throughout his later leadership. In 1972–73, Ne Win and his colleagues drafted a new constitution that established Burma as a one-party state, meaning that only one political party is authorized to form a government.

By the end of the 1980s, the economy had deteriorated and due to corruption and malpractice in the political sector the black-market economy arose. The military attacked demonstrators in August of 1988, murdering at least three thousand people and displacing many more. Ne Win quit as chairman of his party after the 1988 crackdown, but he continued to operate secretly as a new military dictatorship assumed power.

⁷“Meaning of house arrest in English”. Cambridge Dictionary
<https://dictionary.cambridge.org/dictionary/english/house-arrest>

⁸“Meaning of veto in English”, Cambridge Dictionary
<https://dictionary.cambridge.org/dictionary/english/veto>

⁹“democracy | Definition, History, Meaning, Types, Examples, & Facts”, Britannica
<https://www.britannica.com/topic/democracy>

Aung San Suu Kyi's rise to prominence

On August 8th 1988, Aung San Suu Kyi became popular as the General Secretary of the National League for Democracy (NLD), which she had founded with the aid of numerous former army officials who were critical of the military dictatorship.

The situation in Myanmar between 1989-2011

The country's name was changed from the Union of Burma to the Union of Myanmar in 1989, and the former capital, Rangoon, was renamed Yangon. The junta said that the term "Burma" was a relic of the colonial past, which privileged the Burman ethnic majority, and that the name "Myanmar" was more appropriate.

The military authorized democratic elections in 1990 on the assumption that the military had popular support. The NLD won 81 percent of the seats in the Parliament in the 1990 elections, but the results were overturned because the military administration refused to hand over power, causing an international condemnation. Suu Kyi remained in house arrest for approximately 15 of the 21 years between 1989 and 2010, making her one of the world's most well-known political prisoners.

Whilst under house arrest, Aung San Suu Kyi won the Nobel Peace Prize in 1991, and was lauded as "an outstanding example of the power of the powerless."

The administrative capital was shifted to Nay Pyi Taw, a city created by the military regime in central Myanmar, in 2005.

In 2008, the junta proposed a new constitution, which is still in effect today, giving the military broad rights even under democratic governance. In 2011, the military junta was suddenly terminated and a civilian parliament was established for a transitional phase, during which former army bureaucrat and Prime Minister Thein Sein was chosen president.

Myanmar's democratic period

President Thein Sein began a series of changes in 2011, including granting amnesty to political prisoners, loosening media restrictions, and enacting economic policies to attract international investment.

Thein Sein demonstrated a willingness to collaborate with Aung San Suu Kyi, the head of the opposition National League for Democracy (NLD). The NLD won 43 of the 45 seats available in the 2012 parliamentary by-elections, with Aung San Suu Kyi becoming a member of the House of Representatives. Suu Kyi was assigned to the newly created role of state counsellor, effectively making her the civilian government's de facto leader.

Experts claim, however, that the Tatmadaw retained a significant amount of power. Several sections in the 2008 constitution maintain the military's dominance. For example, the military holds 25% of parliament seats, and any changes to the constitution require the consent of more than 75% of parliament, essentially giving the military veto power over any alteration. Moreover, the military's proxy party, the Union Solidarity and Development Party (USDP), retained seats in the influential defense, home affairs, and border affairs ministries.

Rohingya genocide

The Rohingya people are a Muslim minority that has been abiding in Myanmar, and more specifically in Rakhine state, for many generations, however, the government claims that they are illegal immigrants for Bangladesh. The Secretary General of the United Nations, Antonio Guterres, has described them as "one of, if not the, most discriminated people in the world."

The Rohingya genocide is a series of continuous persecutions of the Muslim Rohingya people by the Tatmadaw. To date, the genocide has been divided into two phases: the first one was a military crackdown from October 2016 to January 2017, and the other has been ongoing since August 2017. Over a million Rohingya people have fled to other nations as a result of the conflict. The majority went to Bangladesh, where they established the world's biggest refugee camp, while some fled to India, Thailand, Malaysia, and other South and Southeast Asian countries.

Since the "clearance operations" began on August 25, 2017, more than 24,000 Rohingya people have been slaughtered by the Burmese military and local Buddhists, according to a research published in August 2018. Over 18,000 Rohingya Muslim women and children were raped, 116,000 Rohingya were battered, and 36,000 Rohingya were burned, according to the research.

Officials from the Bangladesh and Myanmar governments stated on October 30 2018 that they had reached an agreement to begin repatriating some of the more than 720,000 Rohingya refugees who have evacuated Myanmar to Bangladesh since August 2017.

In November 2019, Gambia, Africa's smallest country, filed a case to the International Court of Justice (ICJ) while supporting that Myanmar's actions go against the Convention on the Prevention and Punishment of the Crime of Genocide. In its appeal, Gambia accused Myanmar of violating the Genocide Convention and asked the Court to adopt interim remedies to "to protect against further, irreparable harm to the rights of the Rohingya group." Myanmar was ordered by the International Court of Justice (ICJ) to avoid

genocidal acts in general, to make sure that military and police forces do not commit genocidal actions, to maintain all proof of genocidal acts, and to report back to the court on adherence with these initiatives two months later.

2020 elections and 2021 military coup

Myanmar conducted its second national elections under civilian administration in 2020, with the NLD party winning by a landslide. Despite the fact that Human Rights Watch and other organizations argued the elections were rigged due to Rohingya exclusion and other factors, there is little doubt that the NLD won a landslide victory, in which Myanmar's NLD gained 83 percent of the body's seats. Yet, the military refused to acknowledge the results of the election.

The military, which had endeavored in the country's Supreme Court to claim that the election results were rigged, warned to "take action" and encircled the houses of Parliament with soldiers, raising the potential of a coup one day before the elections were supposed to be ratified.

It alleges that there are more than 10.5 million incidents of "possible fraud, such as non-existent voters," without giving evidence, and demands that the election commission make the final polling data public.

Aung San Suu Kyi, Win Myint, Han Tha Myint, and other party officials were "captured" in an early morning operation, according to NLD spokesman Myo Nyunt on February 1, 2021. Nyunt also stated that he expects to be detained in the near future. Numerous communication channels were disrupted, including phone lines to the capital, Naypyidaw, and state-run television. Due to "technical issues," MRTV was unable to transmit. Starting around 3 a.m., there were widespread Internet outages. The military shut down cellular networks across the nation, emulating "kill switch" techniques used in conflict zones in Chin and Rakhine- both are states in Myanmar. The Myanmar Banking Association's member banks have all halted their banking services.

Around 400 elected members of parliament (MPs) have been confined to a government housing complex in Naypyidaw under house arrest.

The capture of NLD officials allowed Vice President Myint Swe (a former general) to take over as acting president. He invoked sections 417 and 418 of the constitution, which allowed the military to impose a one-year state of emergency and take over government administration if unresolved election concerns posed a threat to the country's sovereignty.

In a declaration signed by acting president Myint Swe, Min Aung Hlaing was given responsibilities for "legislation, administration, and judiciary." The National Defense and

Security Council, chaired by acting president Myint Swe and accompanied by senior military personnel, was formed, and the military issued a statement stating that new elections would be held and that they would give up power after they had concluded. The military also declared that 24 ministers and deputies will be removed, with 11 replacements named.

On February 3, the police reported two days later that they had filed charges against Suu Kyi for allegedly violating Export and Import Law, for having unlawfully imported walkie-talkie radios in her house and bribery, claiming that she had taken \$600,000 in cash and seven pieces of gold.

Myanmar authorities invaded the NLD's headquarters in Yangon on February 9, 2021. The Myanmar military regime sent internet service providers a draft of the contentious Cyber Security Law, requesting them to respond by February 15, 2021. Information Technology (IT) communities have criticized the law, claiming that it breaches citizens' human rights by placing them under digital surveillance and drastically curtailing their freedom of speech. The news of China's involvement in the construction of the firewall went viral on Myanmar social media, prompting protestors to gather outside the Chinese Embassy. The news was dismissed by China as rumors.

Suu Kyi's trial, which commenced in secrecy on February 16, revealed that she had also been accused of violating the country's natural disaster management rules by mingling with a crowd during the COVID-19 pandemic.

Motives

The military's motivations for the coup are still a mystery. The military has apparently claimed that alleged voter fraud poses a threat to national sovereignty. The civilian-appointed Union Election Commission had firmly rejected the military's allegations of voter fraud just days before the coup, citing a lack of proof to back up the military's claims of 8.6 million abnormalities in voter lists across Myanmar's 314 townships.

The military's desire to maintain its major role in Burmese politics may have prompted the coup. The Commander-in-Chief of the Armed Forces must retire at the age of 65, according to the Defense Services Act. The incumbent, Min Aung Hlaing, would have been compelled to step down when he turned 65 in July 2021. Furthermore, the Constitution only gives the President the authority to appoint Min Aung Hlaing's successor in consultation with the National Defense and Security Council, which could offer a chance for the civilian arm of the government to appoint a more reform-minded military officer as Commander-in-Chief. Hlaing's loss of power would have put him at risk of being prosecuted and held accountable in international courts for suspected atrocities perpetrated during the

Rohingya crisis. After his retirement, Min Aung Hlaing hinted at a possible return to politics as a civilian.

The activist group Justice for Myanmar has pointed to Min Aung Hlaing and his family's enormous financial and economic interests as a possible driving cause for the coup. Min Aung Hlaing is the chairman of the Myanmar Economic Corporation (MEC) and Myanmar's Economic Holdings Limited (MEHL), both military corporations, while his daughter, son, and daughter-in-law have significant commercial interests in Myanmar.

The International Monetary Fund (IMF) had transferred \$350 million in cash to Myanmar's Central Bank a few days before the coup as part of an emergency aid package to combat the ongoing COVID-19 outbreak. There were no conditions attached to the monies, and there was no precedence for refunds. An IMF spokeswoman responded to potential worries about the military regime's correct use of the cash by saying, "It would be in the interests of the government, and certainly the people of Myanmar, that those funds are indeed used accordingly."

According to a military junta lobbyist, the junta wants to enhance relations with the US while also separating Myanmar from China, feeling Myanmar had grown too close to China during Aung San Suu Kyi's leadership.

Repercussions of the coup

President Win Myint and State Counsellor Aung San Suu Kyi, as well as ministers, their deputies, and members of Parliament, have been detained.

Various kinds of civil resistance have evolved within the country in response to the coup.

Following the coup, there have been public protests. At 8 p.m. on February 2, some Yangon residents held a small 15-minute street protest, asking for the overthrow of the dictatorship and the release of Aung San Suu Kyi. On the 4th of February, 30 individuals demonstrated in front of the University of Medicine in Mandalay for the first time against the coup, which resulted in four arrests. On the 6th of February, 20,000 people came to the streets of Yangon to protest the coup and demand that Aung San Suu Kyi be released.

The army used brutality against nonviolent demonstrators on February 9, 2021, hurting six people, including a 20-year-old woman who was shot in the head. In Mandalay, almost 100 protestors were detained. The majority of Mandalay's arrested protestors were released on February 10, 2021.

The regime's crackdown in Mawlamyine intensified on February 12th, Myanmar's Union Day, as gunfire erupted. On 14 February, the gunshots were heard in Myitkyina,

Kachin State, as security forces clashed with demonstrators. Following it, five journalists were detained. In Mandalay, troops and police worked together to disperse protestors using rubber bullets and slingshots.

According to a rights group, the number of deaths in Myanmar's military regime's assault on pro-democracy protestors has grown to 807 (20 of May 2021).

Rohingya repatriation

At a tripartite conference organized by China, Myanmar agreed to begin the long-awaited repatriation of Rohingya Muslims in the second quarter of 2021, as demanded by Bangladesh.

Furthermore, China and Myanmar concurred with Bangladesh's proposition to keep the international community present in Myanmar's Rakhine State when the repatriation takes place, according to the official, who prompted the Bangladeshi delegation in a virtual meeting with Myanmar and China on the Rohingya. Also, it was announced that China will provide free vaccines for the Rohingya. Moreover, Bangladesh suggested village-based repatriation, whilst Myanmar preferred a sporadic gathering of refugees that have been abiding in Cox's Bazar in Bangladesh for safety purposes ever since the military crackdown against the minority in 2017. At the conference, it was also proposed that a team of Rohingya be sent to Rakhine to help develop a welcoming climate for those coming back.

Governmental responses

Most of the countries, such as Canada, the UK, the US and Turkey have condemned the coup and others, such as China, Bangladesh and Japan have expressed their concern. However, Cambodia, Thailand and Vietnam refuse to take pick a specific side as they refer to it as a "internal matter".

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

United States of America (USA)

Joe Biden, the current president of the United States of America, a few days after the coup announced that he had signed an executive order authorizing renewed US sanctions against Myanmar generals, following the military's detention of elected officials and seizure of power on February 1st. These sanctions will impinge on the military leaders who orchestrated the coup, their close family members and their business interests. The US Treasury Department has also frozen assets and transactions with one of Myanmar's most important industries, called Myanmar Gems Enterprise (MGE), which is run by the

government, which is a major source of revenue for the military. Also, twenty-two persons, including four government ministries are targeted by the sanctions.

China

The United Nations Security Council convened a couple of days after the coup, however, was unable to reach an agreement on a joint statement due to China's opposition. As one of the P5 members of the council, China enjoys veto power. China supports that having sanctions imposed would only worsen the situation and pressure Myanmar more financially.

Russia

Despite the fact that most countries have criticized Myanmar's coup, Russia has openly advocated for more military-technical cooperation with the military authority. Russia appears to see the new military leadership as a chance to expand its influence in Myanmar while also increasing its weaponry exports.

Indonesia

The president of Indonesia, Joko Widodo, condemned the coup in Myanmar while calling the situation intolerable and supporting that it must be stopped. Moreover, he urged the military to cease using violent means and release the political prisoners.

European Union (EU)

The EU has imposed in total three rounds of sanctions in order to show their disapproval for the military coup. All three rounds of sanctions are not meant to hurt Myanmar citizens nor the larger economy but only the people who orchestrated the coup. Thus, restrictive measures now apply for 43 individuals and 6 entities.

Association of Southeast Asian Nations (ASEAN)

ASEAN does not speak in unison on Myanmar. Thailand, Vietnam, Cambodia, and at first even the Philippines, which was historically the most liberal member state in terms of democracy and human rights, did not condemn the coup, claiming it was an internal problem. Singapore, Myanmar's most significant foreign investor, has spoken out more forcefully, expressing "grave concern" and calling the use of fatal force against protestors "inexcusable". Indonesia has taken the lead in attempting to find a way out of Myanmar's predicament.

United Nations Development Program (UNDP)

UNDP's study called "COVID-19, Coup d'état and Poverty: Compounding Negative Shocks and their Impact on Human Development in Myanmar" showed that the

combination of these two crises could result in 12 million more people living under the poverty line. Thus, nearly half of Myanmar population will end up suffering. According to the estimate, by the end of 2020, 83 percent of households would have stated that the pandemic has cut their income in half on average. Because of these unusual circumstances, the amount of people in poverty in Myanmar is projected to have increased by 11 percentage points as a result of the COVID-19 problem' socio-economic consequences. According to the study's forecasts, Myanmar's deteriorating security, human rights, and development condition since February 2021 might trigger another rapid increase in the country's poverty rate, pushing it up by another 12 percentage points by early next year.

TIMELINE OF EVENTS

Date	Description of Event
4 January 1948	Burma, as it was known at the time, obtains independence from British colonial authority.
2 March 1962	General U Ne Win launched a military coup and ruled for 26 years
8 August 1988	The military attacked anti-government demonstrators which resulted in killing thousands of people.
20 July 1989	Suu Kyi is under house arrest on suspicion of attempting to separate the military, which she rejects.
27 March 1990	NLD, which was founded by Suu Kyi, won in the elections, however the military disputes the results and refuses to hand over power.
15 October 1991	Suu Kyi receives a Nobel Peace Prize for avoiding violence while fighting against the military regime.
10 March 2010	The Junta issues a new election legislation that bars Suu Kyi from running in the next national elections, noting her court sentence. She has been under house arrest for more than 14 of the last 20 years.
7 November 2010	Myanmar's first elections in 20 years were won by a pro-junta party in a vote that was boycotted as unfair and skewed in its favor.
13 November 2010	Suu Kyi has been released from house arrest, where she had been for the past two decades.
30 March 2011	President Thein Sein is inaugurated in as a new, ostensibly civilian government.
9 July 2012	Suu Kyi wins a by-election and is elected to parliament for the first

	time, making her the first woman in Myanmar to occupy public office.
8 November 2015	Myanmar conducts elections, with the National League for Democracy (NLD) winning an overall majority in parliament.
29 January 2021	Myanmar's electoral commission has dismissed the military's charges of election fraud, citing a lack of evidence to back up the assertions.
1 February 2021	The Myanmar military has taken control of the country for a year, citing the government's failure to act on electoral fraud allegations and refusal to postpone the November elections due to the coronavirus outbreak.

UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS

Resolution A/75/L.85/Rev.1

A resolution which is called “The situation in Myanmar” (A/75/L.85/Rev.1), passed by the United Nations General Assembly on the 14th of June 2021, denounces Myanmar's military leaders and calling for an end to arms supplies to Myanmar. This prohibition mostly concerns countries such as China, India, Russia, Serbia and Ukraine as according to the United Nations Register of Conventional Arms (UNROCA) they have been the principal suppliers of arms and ammunition to Myanmar from 2001 to 2019. Moreover, the Myanmar military is urged to accept democratic election results and release political detainees.

Resolution A/HRC/S-29/L.1

On 12th of February, the Human Rights Council, passed the resolution A/HRC/S-29/L.1 which is called “Human Rights Implications of the crisis in Myanmar”. It stated that all political prisoners, including Aung San Suu Kyi and Win Myint, must be released immediately no matter of the circumstances. The Council also deplored the overthrow of the elected government and called for the restoration of the democratic government. Furthermore, it stated the importance of refraining from violent means and of human rights. It also requested that the United Nations High Commissioner for Human Rights and the Special Rapporteur to evaluate the situation and give new feedback on their reports and as well as that Myanmar authorities interact and collaborate with the UN Human Rights Council.

Presidential Statement S/PRST/2021/5

The United Nations Security Council conducted an emergency meeting in response to the coup, when a British-drafted resolution asking for the "return of democracy" in Myanmar, denouncing the Myanmar military's actions, and demanding the release of detainees was submitted. Due to a lack of support from all 15 council members, the first draft of the statement was not released; China and Russia's diplomats were reportedly forced to relay the draft to their respective governments for assessment. China and Russia, as permanent members of the UN Security Council with veto authority, refused to support the declaration. Two non-permanent members, India and Vietnam, have also "expressed reservations" about it. However, by March 10, 2021, a consensus was reached among the 15 Security Council members, resulting in a "presidential statement" (a step below a "resolution") on the 10th of March 2021 (S/PRST/2021/5) from the Security Council, with unequivocal criticism of the Myanmar military, and its coup deleted from the statement, as well as the threat of UN sanctions removed. The statement condemned the attack and called for an end to it, as well as military restriction, the immediate release of imprisoned civilian government officials (including State Counsellor Aung San Suu Kyi and President Win Myint), and a negotiated settlement between the parties within the Myanmar Constitution's framework. The UNSC presidential statement also asked all parties to assist with ASEAN and the UN ambassador to Myanmar in their peace negotiations, as well as to guarantee that everyone in Myanmar has access to humanitarian supplies. The resolution also addressed the 2017 military crackdown in Myanmar's Rakhine State (which targeted the Rohingya Muslim minority, driving most of them out of the nation) — saying that present conditions hinder the Rohingya's "voluntary, safe, dignified, and sustainable return" to Myanmar. ASEAN has proposed for a special ASEAN Leaders Meeting on April 24, 2021, in Jakarta, with Min Aung Hlaing and other member nations' heads of government and foreign ministers in attendance. Members of the National Unity Government, which was formed in the aftermath of the coup and is made up of ousted parliamentarians, were said to have communicated with ASEAN leaders, but they were not formally invited to the conference. Min Aung Hlaing was not addressed as a head of state throughout the meeting. ASEAN said that it had reached an agreement with Min Aung Hlaing on a "five-point consensus" on the halt of violence in Myanmar, constructive discussion among all parties involved, and the appointment of a special envoy by ASEAN to support the dialogue process.

Convention A/RES/3/260

Myanmar has ratified the Convention on the Prevention and Punishment of the Crime of Genocide, however, their actions do not comply with it. Gambia's application to the ICJ was based on the fact that the Tatmadaw and the police had abused their power and

committed atrocities against the Rohingya minority, thus, violating the Convention. The Convention states that all State Parties should prevent and punish genocidal acts while passing relevant legislation and penalize those responsible “whether they are constitutionally responsible ruler, public officials or private individuals.”

International Covenant on Economic, Social and Cultural Rights (ICESCR) A/RES/2200

On 6th October 2017 Myanmar became a State Party to the ICESCR, a very important treaty for human rights. It states everyone’s right to education, fair and just conditions of work, a satisfactory standard of living, including food, clothing and housing, the best achievable access to healthcare and social security including social insurance. Myanmar is bound by it and must adhere everything included in this treaty.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Independent Investigative Mechanism for Myanmar (IIMM)

The Human Rights Council created the Independent Investigative Mechanism for Myanmar ("IIMM" or "Myanmar Mechanism") in September 2018 through Resolution 39/2. Its mission is to gather evidence of the most serious international atrocities and violations of international law, as well as to prepare files for criminal prosecution, using material provided by the Myanmar Independent International Fact-Finding Mission (FFMM). On August 30, 2019, the Myanmar Mechanism started operations. In a statement, IIMM Director Nicholas Koumjian stated, that he genuinely wishes for a peaceful settlement of the current issue, and he noted the Secretary-General's call to the military leadership to overcome any disagreements via political discussion. However, he said that if Myanmar breaks any international laws, they will collect evidence and pursue further investigation in order to aid criminal prosecution.

Special UN envoy

Christine Schraner Burgener who is the UN Special Envoy for Myanmar, visited Bangkok in Thailand in 9th of April 2021 in order to lobby for progress in Myanmar’s situation. The Special Envoy also met with UN regional officials and also diplomats accredited to Myanmar while is consulting on more visits to other ASEAN member nations and other neighboring countries. However, she did not visit Myanmar.

Japan's internal response to the military coup

The Lower House of Japan passed a resolution criticizing the Myanmar military's Feb. 1 coup and encouraging the Southeast Asian country to return to democracy. The move underscores Japan's desire to demonstrate its opposition to Myanmar's junta ahead of a three-day Group of Seven industrialized nations summit set to begin on the 11th of June in the United Kingdom. The military coup was defined as an "act to trample on efforts and expectations for democratization" in the resolution, which called on the Japanese government to "make full use of all diplomatic resources and every effort to realize" the reestablishment of democracy in Myanmar. The Lower House also requested that the junta immediately cease its assault against civilians and free political prisoners, including civilian leader Aung San Suu Kyi.

EU sanctions

As it was stated before in the guide, EU condemned the coup and also has imposed three rounds of actions in order to punish the ones responsible for overthrowing the democratic government. The first round of sanctions was imposed on the 22nd of March and aimed on striking eleven persons, ten out of which belonged to the highest positions in Tatmadaw. The measures taken entail a travel and asset ban. The travel restriction prevents anyone on the list from entering or transiting through EU territory, while the asset freeze applies to the named persons' economic resources in the EU. Furthermore, EU residents and businesses are prohibited from making funds available to the persons and organizations on the list. The second round of sanctions second round of sanctions, imposed on the 19th of April, targeted ten individuals responsible for the coup, Myanmar Economic Holdings Public Company Limited (MEHL) and Myanmar Economic Corporation Limited (MEC) which are two entities controlled by Tatmadaw. The EU has updated its sanctions against Myanmar's people and military-controlled enterprises. In response to the military coup staged in Myanmar/Burma on 1 February 2021 and the accompanying brutality against peaceful demonstrators, the Council on 21st of June imposed sanctions on 8 persons, three business entities, and the War Veterans Organization. Ministers and deputy ministers, as well as the attorney general, are among those sanctioned for damaging democracy and the rule of law, as well as for serious human rights breaches in the country. The four entities are either owned by the state or managed by the Tatmadaw, and they contribute to the military's finances and actions directly or indirectly.

POSSIBLE SOLUTIONS

Legal and political reforms

As it was stated before in the guide, the military, even when they were not ruling the country, they maintained a crucial amount of power which did not allow the dominant democratic party to make constitutional amendments that the military did not approve of, nor controlling a lot of the important ministries. It is essential for the international community to categorically reject military rule and follow the Myanmar people's example. Myanmar will only progress as a peaceful, stable, and safe society if the legal and political systems are completely reconstructed while the international community pressures them by overseeing them closely. The UN could send special envoys to supervise Myanmar's military and its actions and also track all the reforms made, while the IIMM builds a case in order to pursue criminal prosecution if the Tatmadaw does not comply.

Imposing sanctions

Myanmar is a country which struggles financially, and many believe that imposing sanctions would pressure them even more. Thus, those who carried out the coup should be punished, but the population and economy should be spared. Sanctions on military-owned businesses could be one example of such punitive actions, as long as they do not harm the larger economy or people.

Suspension of weapon delivery

During this hazardous era, all governments should halt the delivery and sale of weapons and other defense and dual-use equipment, and keep this policy in place until real civilian authority is restored. At the same time, cutting off connection with the Tatmadaw, no matter how distasteful its acts are, is counterproductive as it is an institution that controls the country's near destiny.

ASEAN intervention

Some ASEAN member states' individual responses to the coup, requesting the reinstatement of the civilian government and the release of Aung San Suu Kyi, are a positive sign that it is past time for ASEAN to take the lead in resolving internal problems among its member states. The ASEAN Human Rights Declaration, which is inscribed in the ASEAN Charter, underlines the respect for, promotion, and preservation of human rights and fundamental freedoms, as well as democratic, rule of law, and good governance values. Myanmar's military dictatorship is currently violating this proclamation and repressing the

people's rights and freedoms. What ASEAN can do is look for methods to open channels of communication between the military and the civilian administration, but only after the NDL officials who have been jailed have been released. It is up to ASEAN to find a means to end the crisis, which could be challenging given the lack of consensus among member states on how to deal with the current Myanmar scenario.

Humanitarian Aid

As the majority of the population is living in poverty and the military uses violence in order to hinder anti-junta protestors, it is crucial to help those suffering. Member states should collaborate with other UN entities to provide assistance through various means, including providing shelter to the region's displaced people. Moreover, it is important to find how the Rohingya minority could be repatriated as they have been prosecuted and marginalized. The delegates should also consider how NGO's involvement could be proven to be beneficial for Myanmar people.

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