

# Advance Myanmar

## Responsibility to Protect (R2P) and Myanmar

**Is using R2P an effective path to achieve the call from many human rights and democracy activists in Myanmar for international assistance?**

### What is R2P?

R2P was adopted by UN members at the 2005 UN World Summit. They agreed that they have a responsibility to protect (take action) if certain international crimes are committed. The crimes are genocide, war crimes, crimes against humanity, and ethnic cleansing.

At the time it was seen as a major step forward in encouraging governments to uphold human rights in their own country and take action in response to the most serious international human rights crimes in other countries.

### No automatic military intervention

It is not the case that R2P automatically means that there will be a UN peacekeeping force or military intervention. Most of the occasions when the UN has referred to R2P in resolutions and taken action there has not been international military intervention.

### Weaknesses in R2P include:

- There is no mechanism that means R2P is automatically applied if the crimes of genocide, war crimes, crimes against humanity and ethnic cleansing happen.
- There is no defined action that UN member states should take even if they do decide to apply R2P.

Action under R2P can be anything from a UN peacekeeping force to a statement expressing concern.



## R2P calls and Myanmar

Using R2P has been proposed several times in the past with regards to human rights violations in Myanmar:

1. In 2007 it was proposed regarding the crushing of the uprising in August and September. No major country supported it and media, academics and non-government organisations ended up debating whether or not R2P applied in this circumstance and not what should actually be done by the international community.
2. In 2008, after cyclone Nargis, France called on the UN Security Council to use R2P to pass a resolution to authorise international aid deliveries even though the military dictatorship was refusing to allow them. It triggered a lot of debate about whether R2P applied in this situation. The UN in New York, and UN Security Council members Russia and China, opposed the proposal, and even allies like the UK and USA didn't support it. France quietly dropped it.
3. In 2017 there were calls to use R2P over the military offensive against the Rohingya. Early evidence from the UN indicated crimes against humanity were happening, and the UN immediately called it ethnic cleansing. UN investigators later called it genocide. Despite there being three of the four main criteria for R2P being used, no country did so. No action was taken.
4. In 2021 following the military coup, peaceful protesters were shot and killed by the police and military. Community leaders, political leaders and protesters called for help under the principle of R2P. No country supported using R2P to help.

## Does the situation in Myanmar following the coup meet the criteria for R2P?

Based on previous experience, there is a danger that following calls for R2P, governments, academics, media, the UN and non-government organisations will spend a lot of time debating the question of whether or not R2P applies, instead of there being pressure on governments to act.

As happened in 2007 and 2008 it is likely that it will be argued that people calling for R2P are trying to expand the criteria beyond what was intended.

With regards to the human rights violations against anti-coup protesters, it could be argued that crimes against humanity such as widespread and systematic murder and enforced disappearances are taking place. However, the danger is that, similar to before, there will follow long debates about whether the number of killings and enforced disappearances meets the crimes against humanity legal criteria.

So even if one government did say the international community should use R2P, it is possible that all that will follow will be debates about if they are right to support using R2P, not debates about what action to take.



## What would happen if R2P is supported by governments?

- There is no obligation on any country to take any specific action under R2P generally. Individual countries could decide to make a statement, impose sanctions or arms embargoes, but there is no guarantee of effective action.
- R2P can be referred to as a reason for action in UN Human Rights Council resolutions, UN Security Council resolutions, and UN General Assembly Resolutions. This has happened on many occasions in the past.
- The Human Rights Council and General Assembly resolutions have no enforcement mechanisms. The military dictatorship under Than Shwe, the military backed government of Thein Sein and the civilian led government of Aung San Suu Kyi all ignored resolutions by the Human Rights Council and General Assembly, without facing any consequences.
- UN Security Council Resolutions are binding on UN members and the UN Security Council can order any action up to and including military action and UN peacekeeping forces. However, at the present time Russia and China will veto any Resolution that includes sanctions or military intervention. In 2007 they vetoed a resolution which only called for the military to talk to the opposition including the National League for Democracy.

## Can there be military intervention under R2P?

This would require a UN Security Council resolution. Russia and China will never allow it. They will use their veto power. It will never happen. China will absolutely never allow a UN peacekeeping force, which could include western countries, in a neighbouring country.

Even if Russia and China would allow a Resolution, no UN member is likely to be willing to send soldiers into a country where they will face attacks by the Myanmar military.

Peacekeeping forces are just that, to keep the peace after peace agreements. There is no peace to keep.

Any military intervention would have to be a large scale international force assembled to attack the Myanmar military. This will never happen. No country will be willing to spend the billions of dollars and risk their soldiers' lives to do this.

## Does R2P make it more likely there will be international action?

It should work this way but in practice it often doesn't. International action under R2P is a question of countries having the political will to take action. If they have the political will, they can take action with or without R2P.

The international community did not use R2P in the case of Rohingya even when hundreds of thousands of Rohingya, mostly children, were forced to flee Myanmar military attacks, and thousands of Rohingya were killed or raped. The only action taken was that some countries banned a small number of soldiers taking holidays in their countries (visa bans). In this instance, there was no doubt that international human rights crimes under R2P criteria were being committed. They still did nothing. There was no political will to act. Every single country in the world ignored their obligations under R2P.

Calling for international action using the principle of R2P could mean that it accidentally creates a longer route to try to get action taken, by first having to make the case that action is required under R2P criteria. This is an unnecessary step.

Military intervention is out of the question, so any action by governments is likely to be steps like targeted sanctions on the military and their economic interests, or arms embargoes. R2P is not required to make the case for these actions. What is required is political pressure on governments to do them. There is a danger that using R2P criteria as a reason for targeted economic sanctions on the military and for arms embargoes could even divert attention and slow down progress to achieve those goals.

Before making any call to the international community, it is essential to decide what the end result that you want to achieve is. What action do you want the United Nations and individual countries to take? Once you have a clear objective, then you can decide what is the best way to persuade them to take this action, and whether using the principle of R2P is an effective way to get them to take that action.



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