



## How the UN Is Failing Myanmar: Summary

3 October 2023

### The UN is failing Myanmar.

In the immediate wake of the coup launched by the Myanmar military on 1 February 2021, thousands of demonstrators in Myanmar's towns and cities called for UN help to stop the junta and protect the Myanmar people. That help never came. The people of Myanmar have now endured two and a half years of escalating atrocities and relentless violence inflicted by the junta. Two million people are internally displaced and up to 20 million need humanitarian aid as a result. Resistance to the junta continues, the junta's violence is worsening, but decisive and collective UN action remains elusive. What limited response there has been from UN officials has provoked negative reactions from Myanmar civil society. SAC-M's paper identifies how the UN is failing Myanmar so that urgent changes can be made.

### The UN system has failed Myanmar before.

The UN failed to prevent or mitigate the military's atrocities committed against the Rohingya in 2016 and 2017 despite having massively scaled-up its presence in Myanmar following the military's 2011 partial democratic transition. An inquiry into UN involvement during this period, published in a report known as the Rosenthal report, found that UN member States were divided on Myanmar, did not recognise the gravity of what was happening and lacked support for action. The UN Secretariat was divided over competing strategies on how to respond fed by

a lack of systematic and unified analysis from the UN Country Team (UNCT). UN officials in Myanmar had deliberately de-dramatised events in their reports and prioritised their relations with the military and civilian authorities over raising human rights concerns.

### The situation in Myanmar has changed significantly since then.

The military's actions on 1 February 2021 were not consistent with the Constitution or Myanmar law and the junta it established is not the legitimate government. A National Unity Government (NUG) was later appointed by parliamentarians that evaded the coup. It is the legitimate Government and representative of Myanmar in international forums.

The coup was obstructed by a mass movement of civil disobedience (CDM) led by striking civil servants, combined with general strikes, protests, demonstrations and boycotts of junta-controlled goods and services. The junta responded to the peaceful resistance with increasing brutality, with ground operations and airstrikes, across the country. Armed defence against the military's violence eventually emerged. It is being fought by long-standing Ethnic Resistance Organisations (EROs) that have allied with the NUG, new People's Defence Forces (PDFs) formed by, or in coordination with, the NUG and independent local defence forces. The resistance is part of a revolution to entirely uproot and dismantle the state system that was purpose built by the





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military over sixty years to ensure its grip on power.

The junta does not meet the legal criteria for having effective control as a de facto government due to the combined efforts of the resistance. It does not control the territory, it does not have the capacity to govern and, most importantly, the vast majority of the population has refused to submit and accept it as a government. This means that the junta is neither the de jure (legitimate) nor de facto (effective) government or equivalent authority. ERO territories have expanded, and PDFs and local defence forces are contesting territories across the country. Local governance and service provision in these areas is carried out by ERO governance departments and newer community-led administrative bodies, established both independently and in coordination with the NUG. There is no one single de facto authority or state actor in Myanmar – there are many.

### **The UN intergovernmental forums have responded with rhetoric but not action.**

The Security Council, General Assembly and Human Rights Council have all passed resolutions on Myanmar since the coup but have yet again failed to mandate decisive and collective action to stop the junta's violence and protect the Myanmar people. However, UN member States are less divided on Myanmar than before, with even the Security Council passing a resolution in December 2022. There is growing intolerance for the junta's actions and clear consensus as to the status of the junta – the language used by all three bodies rejects the junta's claims to be either the de jure or de facto government. The General Assembly effectively allows the NUG to

represent Myanmar in the UN and UN resolutions have positively acknowledged the NUG's political role.

### **The UNCT is prioritising having a presence in Myanmar over having an impact.**

The UNCT has diverged from the position of UN member States and treats the junta as “the de facto authorities”. That means the UNCT considers the junta to be the government in fact, if not in law. The UNCT tries to limit meetings with senior members of the junta to avoid “legitimising” the junta but considers engagement with junta-controlled ministries and departments to be non-political. This makes the UNCT appear either dismissive or ignorant of the resistance that most of the country is engaged in. UN officials present formal credentials to the junta and sign agreements and memorandums of understanding with it, the details of which are withheld from the Myanmar public. At the same time the UNCT effectively shuns the NUG. These actions provoke a strong negative reaction from Myanmar civil society. The UNCT claims the benefits and risks of engaging with the junta in this way are weighed carefully. But the approach is yielding ever fewer results.

UN humanitarian relief is urgently needed. Myanmar's humanitarian catastrophe was intentionally created and maintained by the junta through its systematic attacks against the people. It wants to use violence and deprivation against civilians to break the resistance. It does not want these people to receive humanitarian aid and so heavily restricts UN access to resistance areas. As the UNCT considers the junta to be the de facto government it subjects itself to these restrictions and so it is unable to





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reach the majority of people in need. The UNCT does not need the junta's permission to enter resistance territory as it is not a legitimate or de facto government. The NUG, EROs and civil society are calling on the UN to coordinate with them directly to deliver aid across Myanmar's land borders. There has been little uptake from the UN on these calls. The UNCT's relationship with the junta is preventing it from acting in a neutral, impartial and independent manner to benefit as many people as possible.

The UNCT has also resumed development programming in Myanmar. Leaked documents reveal that UN agencies are signing agreements with the junta worth millions of dollars to be implemented by junta ministries. This brings the actions of the UNCT into conflict with the aims and efforts of the democratic resistance. At least one such agreement was reached in coordination with the junta's ministry for foreign affairs and economic relations. The junta is desperate for foreign exchange so that it can purchase weapons to continue its assault on the population. Individual UN member States and groups of States – such as the European Union – have imposed a wide range of sanctions on the junta to cut its capacity to commit human rights atrocities. By bolstering the junta's capacity and access to foreign exchange the UNCT is at risk of undermining these efforts by UN member States. At the same time, the UNCT is not providing development assistance to the growing number of resistance authorities involved in local governance that are a lifeline for communities and represent their democratic will. The UNCT could play a role in supporting these networks to build their capacity at a critical juncture in Myanmar's history. Instead, the UNCT is perceived to be

propping up the junta while the junta mobilises all its remaining resources against the people.

### Office of the High Commissioner for Human Rights

OHCHR is an exception to the approach taken by the rest of the UNCT that have prioritised a presence in Myanmar over the impact of their work. This exception has resulted, however, in the effective exclusion of OHCHR from the UNCT as a result of some of the in-country UN entities opposing its investigation and reporting mandates. OHCHR continues to investigate, analyse and report on what is happening in Myanmar.

### The UN Secretariat has given Myanmar no priority, lacks a strategy and has achieved no results.

The Secretary-General has given little priority to Myanmar. He could be instrumental in negotiating with Myanmar's neighbouring States for cross-border humanitarian access, but he has not engaged. When he has spoken publicly, he has demonstrated a lack of understanding of the crisis. In August 2023, the Secretary-General called on "the de facto authorities to launch an inclusive process to return to the democratic institutions". The statement incorrectly designated the junta as the de facto authority and could be interpreted as UN endorsement for the junta's stated plan to hold rigged elections, which have been rejected by the NUG, EROs, Myanmar civil society, UN member States and the Association of Southeast Nations (ASEAN) as a dangerous initiative that will worsen instability. The Secretary-General was required to report on progress in implementing the recommendations





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of the Rosenthal report in 2022. The progress report was a whitewash and did not contain any mention of how the UN was actually responding to the present crisis in Myanmar.

The Secretary-General has delegated his efforts on Myanmar to the Special Envoy of the Secretary-General, a mandated created by the General Assembly and currently vacant. The most recent Special Envoy achieved few results before resigning in June 2023, highlighting the lack of a comprehensive and coherent system-wide strategy for the UN on Myanmar. The gravity of the crisis in Myanmar and the lack of trust in the UN is now such that the leadership of the Secretary-General is required urgently to correct course.

### **Inactive, ineffective and irresponsible.**

The UN System has failed Myanmar before and it is doing so again. UN member States and their

inter-governmental institutions are failing to act, the UNCT is pursuing the same failed approach of appeasing the military despite growing risks and ever-fewer results, and the Secretary-General has neglected his responsibilities to the Myanmar people as head of the UN Secretariat.

UN member States need to adopt concrete measures to stop the junta's violence and bring it to justice. The UNCT needs to redefine its relationship with the junta and engage with all de facto entities and civil society in Myanmar in a neutral, impartial and independent manner providing humanitarian relief and development assistance effectively. The Secretary-General needs to lead the development of a comprehensive system-wide UN strategy for Myanmar that seeks to end the cycles of UN failure and incoherence and supports the realisation of the Myanmar people's aspirations for a peaceful, democratic country.

Read the full report here: <https://specialadvisorycouncil.org/wp-content/uploads/2023/10/SAC-M-Full-Paper-UN-Myanmar-ENGLISH.pdf>

The Special Advisory Council for Myanmar is a group of independent international experts, who came together in response to the military's attempted coup of February 2021 in Myanmar, to support the peoples of Myanmar in their fight for human rights, peace, democracy, justice and accountability.

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