



## REVIEW ARTICLE

### STUDY OF THE RESOLUTION OF THE UNITED NATIONS SECURITY COUNCIL IN RELATION TO THE HUMANITARIAN CRISIS IN MYANMAR AFTER THE 2020-2021 MILITARY COUP

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#### ABSTRACT

“High-functioning Based on the problems that occurred on February 1 2021 in Myanmar, the aim was to examine election fraud claimed by the military junta in Myanmar, the election held in 2020 was won by the National League for Democracy (NLD) party. The influence of internal and external factors, internal factors of the military junta, people's dissatisfaction, ethnic and religious problems, political instability, and economic inequality. External factors, disagreements among the UN Security Council, Limited resources and support, and geopolitical forces. If member countries are unwilling or unable to participate in implementing Security Council decisions, this will become an obstacle to resolving the conflict in Myanmar.

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## INTRODUCTION

Myanmar is a country located in Southeast Asia, bordering India and Bangladesh to the west, Thailand and Laos to the east, and China to the north and northeast. Myanmar has a presidential government system and has frequently experienced military coups. According to developments from the founding of the State of Myanmar, the first military coup in Myanmar occurred in 1962, when there was political domination of the army and a one-party government that lasted for 26 years. At that time, Myanmar was led by the civilian government of the Anti-Fascist People's Freedom League (AFPFL), which was known by Prime Minister U Nu and was coiled by the Burmese military led by General Ne Win. It is known that the coup led by General Ne Win aimed to overthrow the APFPL government led by Prime Minister U Nu who had been in power since 1948 because he was deemed not to have the competence or capability to lead the country. The military's takeover of civilian power was not new in Myanmar. The Burmese military has a long history of Myanmar's domestic political life. The military has controlled the Burmese government for decades and, throughout that time, various democratic movements have grown. The 1962 coup against a semi-democratic government was an important point in the military's rise to power in Myanmar. Myanmar student activists led major protests in 1988 in response to economic mismanagement by the military junta and demanded reforms

in democracy. The action on August 8, 1988, known as the 8888 Resistance, was later recorded as one of the most brutal acts of violence by the security forces. Around 5000 people were reported to have died as a result of military violence. That same year, Suu Kyi founded the NLD and began to pressure military governments to hold democratic elections. Under domestic and international pressure, in 1990 Myanmar held general elections that were won by the NLD. The military junta rejected the results and placed Suu Kyi in house arrest. To maintain military control over the government, the Tatmadaw (Myanmar's military) drafted a new constitution that, among other things, designated 25% of national and local parliamentary seats for military officials. Based on this constitution, elections were held again in 2011 and won by the Union Solidarity and Development Party (USDP). During the USDP's control of the government (2011-2016), General Min Aung Hlaing had a significant influence on politics. The next election (2015) resulted in the NLD winning, but it could not place Suu Kyi as President because it was blocked by the constitution drafted by the military. The president at that time, Htin Kyaw, created the position of State Counselor, which placed Suu Kyi as the head of the government. During this period, relations between the military and Suu Kyi's government appeared to be quite good: General Min Aung Hlaing appeared to adapt and cooperate but continued to ensure military power by blocking every attempt by the NLD

to change the constitution and limit military power. Suu Kyi even received criticism from the international community when she was seen as providing defense for the Myanmar military which was accused of carrying out the massacre of the Rohingya ethnic group. The February 1, 2021, coup showed the opposite relationship. This is a question for many analysts, who prompted the military to carry out a coup this time, and what it wants to achieve from this coup. The Burmese military stated that this coup was a response to fraud during the 2020 general election. The leader of the coup, General Min Aung Hlaing, promised elections that were free and fair. He also claims that his government will be different from the previous military regime that had been in power for 49 years and acted brutally against protesters in 1988 and 2007. However, if you pay attention to the steps the military has repeatedly taken to maintain its influence, this coup can be seen as the military's despair over the absolute victory it has achieved. NLD in the 2020 election. The NLD won 396 of the 476 seats in Parliament.

The NLD's dominance in parliament could bring about significant changes that could lead to constitutional changes that weaken the military's political role. Although it is still too early to obtain a conclusive analysis, how the military took over power and handled protests can be an initial consideration in choosing strategic options to get Myanmar's democratization process back on track. Promises of 'new, fair elections' are at odds with the actions taken. The takeover of a legally elected civilian government is clearly contrary to the principles of democracy and constitutional government: the supremacy of law, good governance, and respect and protection of human rights. The arrest of Suu Kyi and other political figures also reminds the Burmese people of the arbitrary detentions, torture, and kidnappings that accompanied past coups. This time, the coup was also followed by the imposition of a curfew, disconnection of the Internet network, restrictions on crowds, deployment of armored vehicles, and use of violence to suppress protests. What is more worrisome is the presence of the 77th Light Infantry Division in repelling demonstrations. This division was considered to be responsible for the mass execution of the ethnic Rohingya in Rakhine in 2017. Apart from a series of abuses of power, more than two weeks after the military has been in power, there have been no reports of significant casualties on the part of demonstrators. Violence during protests has indeed decreased compared with the previous military junta government. UN Special Envoy Christine Schraner Burgener has delivered a warning to the deputy head of Myanmar's military junta that any use of force against demonstrators will have severe consequences, and the international community is watching. This warning is very important to protect the people of Myanmar, especially since it was conveyed through a very rare communication channel between the junta and the outside world. This could be a hope that mediation is still possible, as long as the junta are willing to open communication with the outside world. Problem Formulation: (1). What factors hinder the process of resolving conflict in Myanmar? (2). How did the UN take action through the UN Security Council resolution to resolve the humanitarian crisis that occurred on February 1, 2021, in Myanmar? Research Methods: This research is descriptive normative legal research, also known as library research, because normative legal research is conducted by examining library materials or secondary data only. The research approach used in this research is to focus on an inventory of positive law,

legal principles and doctrine, legal discovery, legal systematics, and legal history.

## Analysis and discussion

**Factors Inhibiting the UN Security Council from Resolving the Conflict in Myanmar:** The UN Security Council consists of five permanent members—the United States, Russia, China, France, and the United Kingdom—who have veto rights, as well as ten non-permanent members who are elected for two-year terms. The UN Security Council is a UN body that plays an important role in handling conflicts worldwide, including the conflict that occurred in Myanmar in 2021. In connection with the humanitarian crisis in Myanmar, it urges the UN Security Council to issue a resolution to ensure domestic security stability, achievable and controllable. The decision to issue UN Security Council Resolution No. 1674 was officially declared on April 16 2006, however, efforts to reach consensus among permanent members of the UN Security Council encountered several obstacles. The following is an explanation of the factors that hamper the conflict resolution process in Myanmar.

**Internal Factors:** In 2021, Myanmar experienced a complex conflict situation, which was influenced by various internal factors. Several internal factors that could influence Myanmar's conflict in 2021 include the following.

- **Military Coup:** In February 2021, the Burmese military (Tatmadaw) carried out a coup that overthrew the government led by elected leader Aung San Suu Kyi. This step created increased political tensions and led to conflict between the military and opposition groups in Myanmar.
- **People's dissatisfaction before the coup,** changes to the constitution that favored the military, and the annulment of general election results by the military also exacerbated existing tensions between the Burmese people and the government. This could create conflict between groups that support democracy and those that support military rule.
- **Ethnic and Religious Issues** Myanmar has a long history of conflict between ethnic groups. Conflict between ethnic groups such as the Rohingya, Karen, Kachin, and others and the centralized government has become a chronic problem in the country. Such ethnic and religious tensions have contributed to the complexity of Myanmar's conflict.
- **Political instability before the coup;** the country was in transition to democratic civilian rule after decades of military rule. These political changes cause political instability, which can trigger conflicts between various political groups and societies.
- **Economic inequality** Economic inequality has been a long-standing problem in Myanmar, with the economy being run by the military and its associated business elite. Before the coup.
- **Myanmar's economy** has experienced rapid growth in recent years; however, economic inequality between urban and rural areas and between ethnic groups has become one of the main problems. Economic conditions worsened after the coup, with mass boycotts and protests causing an economic recession, increased unemployment, and reduced foreign investment.

**External Factors for UN Security Council Members:** The external factor that hinders the UN Security Council in resolving conflicts is the Veto of Member States.

The UN Security Council consists of five permanent members with veto rights: the United States, Russia, China, France, and the United Kingdom. Disputes between these members often hinder efforts to take action against conflict in Myanmar

- Disagreement among the UN Security Council, lack of consensus among UN Security Council members, or among UN members in general about how best to handle Myanmar's situation.
- Diversity of member states' approaches and priorities: Security Council countries have different approaches to Myanmar and geopolitical priorities. This difference of opinion hampers agreement to take concrete action
- Limited resources and support: the UN Security Council requires sufficient resources to implement the resolutions or actions needed to resolve the conflict in Myanmar. Lack of financial, personnel, or logistical support can be obstacles.
- Geopolitical Power: competing geopolitical interests between major countries in the UN Security Council can also be an obstacle, because these countries may have political, economic, or military relations with the parties involved in the conflict in Myanmar.
- Depending on member countries for joint action, the UN Security Council relies on member countries to implement agreed resolutions and steps. If member countries are unwilling or unable to participate in implementing Security Council decisions, this will become an obstacle in resolving the conflict in Myanmar.

#### External Factors Apart from Members

- Japan stops all new aid to Myanmar. This suspension of aid could be expanded according to Japanese Foreign Minister Toshimitsu Motegi via Nikkei on May 21, 2021. "We don't want to do that at all, but we have to state firmly that it is difficult to continue under these circumstances," said Motegi. reported by AFP. As a country that supports Myanmar's democracy in various ways, and as a friend, we must represent the international community and convey it clearly.
- European Union and Imposing Sanctions for the Myanmar Military Coup. The EU's Canadian response with the US, with European Commission President Ursula von der Leyen, European Council President Charles Michel, and EU foreign affairs chief Josep Borrell condemning the coup. "Legitimate civilian governments must be restored, in line with the country's constitution and the November 2020 elections. I call for the immediate and unconditional release of all those detained" von der Leyen wrote on Twitter. Among those hit by sanctions is SAC chairman Min Aung Hlaing, who was hit by an asset freeze and visa ban blacklist. "Commander-in-Chief Min Aung Hlaing is directly involved and responsible for decision-making regarding the functioning of the state and is therefore responsible for the undermining of democracy and the rule of law," said the official European Union journal. Eleven people involved in Myanmar's military coup and demonstrator repression were targeted for sanctions.

This is the case with the European Union as part of a bloc of 27 countries in the European region where when the turmoil of the military coup occurred in Myanmar, the same treatment was also carried out, such as imposing sanctions by the United

States on two Myanmar companies controlled by the military, namely Myanmar Economic Corporation (MEC) and Myanmar Economic Holdings Ltd (MEHL). In addition, the European Union imposed sanctions on 10 people from the Burmese military believed to be involved and responsible for the problems occurring in Myanmar, where the sanctions imposed were freezing assets and prohibiting visits to Europe. The European Union also imposed sanctions on Myanmar in the form of an embargo related to a ban on arms sales that was valid for one year until April 30, 2020. Apart from that, the embargo sanctions also state that the European Union will not carry out military cooperation or provide military training to Myanmar because of the humanitarian crisis that occurred during the conflict against the Rohingya. One aim of imposing sanctions is to ensure that the Burmese military is willing to negotiate.

**UN Actions through UN Security Council Resolutions in Resolving the Humanitarian Crisis Occurred on February 1, 2021, in Myanmar:** Resolution is an important step in efforts to end conflict in Myanmar and restore peace and stability in the country. Several alternative actions that the UN Security Council could consider in resolving conflicts in Myanmar include:

- **Resolution:** The UN Security Council issued a resolution calling for an end to violence, restoration of the legitimate civilian government, and protection of civilians in Myanmar.
- **Sanctions:** The UN Security Council can impose sanctions on parties involved in the coup and violence in Myanmar, in the hope of influencing their behavior.
- **Dialogue and Mediation:** The UN Security Council can facilitate dialogue between the parties involved in Myanmar's conflict to reach a peaceful solution. Mediation led by the UN or Security Council member countries could be an effective solution.
- **Peacekeeping Mission:** The UN Security Council could consider sending a maintenance mission to Myanmar to maintain stability and protect civilians.
- **Military Boycott:** The UN Security Council and its member states may consider imposing an arms embargo on the Myanmar military regime, to achieve weapons abuse and human rights protection. Humanitarian aid. The UN Security Council can work with humanitarian agencies to send aid to people affected by conflict in Myanmar.
- **International Monitoring:** The UN Security Council can ensure compliance with international agreements and global norms to maintain world stability and peace. Promote the restoration of democracy in Myanmar by respecting the results of the general elections and ensuring the protection of the human rights of all Myanmar people Demand an end to violence and human rights violations against civilians and emphasize the importance of maintaining justice and accountability for perpetrators of these crimes.

## CONCLUSION

From several of the discussions presented, it can be concluded that the factors hamper the process of resolving the conflict in Myanmar. The coup in Myanmar occurred due to internal and external factors, such as claims from the military that there

was fraud in the elections that took place in November 2020, which were won by the National League for Democracy (NLD). UN action through The UN Security Council resolved the humanitarian crisis that occurred on February 1, 2021, in Myanmar and issued a resolution related to the Myanmar conflict in 2021. Some of the main points of the resolution are: strongly condemning the Burmese government's actions against peaceful demonstrators and demanding respect for human rights in the country, encouraging the restoration of democracy in Myanmar by respecting the results of general elections and ensuring the protection of the human rights of all the people of Myanmar, calling on the parties involved in the conflict in Myanmar to immediately stop violence and seek peaceful solutions to existing problems.

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