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## **Failing to Protect the Rohingya in Myanmar**

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### **Citation**

Van der Geest, L. (2022). *Failing to Protect the Rohingya in Myanmar*.

Version: Not Applicable (or Unknown)

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## **Failing to Protect the Rohingya in Myanmar:**

A discourse analysis of the non-intervention in the Rohingya crisis in  
the age of R2P

by

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Master's Thesis

Submitted to the Faculty of Humanities of Leiden University in partial  
fulfillment of the requirements for the MA International Relations

Supervisor: Dr. M.E.L. David

Second reader: Dr. E. van der Maat

Word count: 14976

December 2022

## Abstract

This thesis examines the role of the norm of the Responsibility to Protect (R2P) during the 2017 Rohingya crisis in Myanmar. Literature shows humanitarian crises have continuously impacted the norm of R2P since 2005, shifting it towards or away from internalization in the international community. The 2017 crisis in Myanmar presented an opportunity for the United Nations Security Council (UNSC) to implement the norm yet are widely regarded unsuccessful in doing so. Through conducting a Discourse-Theoretical Analysis (DTA) of UNSC meeting records on the Rohingya crisis, this thesis explores the norm's (lack of) influence at the time. The analysis finds the duty of a government to protect its citizens and the duty of the international community to assist a struggling government are widely accepted, yet the duty of the international community to protect citizens against their own government is not. Finally, this thesis urges for further research on discourse and R2P to understand what drives UNSC member states in adhering to or rejecting the norm.

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## List of abbreviations

<b>Abbreviation</b>	<b>Definition</b>
ARSA	Arakan Rohingya Salvation Army
BRI	Belt And Road Initiative
DTA	Discourse-Theoretical Reading
ICISS	International Commission on Intervention and State Sovereignty
LAS	League of Arab States
NLD	National League for Democracy
OIC	Organization of Islamic Cooperation
R2P	Responsibility to Protect
UNGA	United Nations General Assembly
UNSC	United Nations Security Council

## Chapter 1 Introduction

In March 2021, US secretary of state Antony J. Blinken stated that members of the Burmese military government committed genocide and crimes against humanity against the Rohingya minority in Myanmar in 2017. March 2021 marked 3,5 years since attacks against the Rohingya community reached a new high forcing them to flee their homes with thousands at a time. It also marked 15 years since the United Nations General Assembly (UNGA) accepted the doctrine of the Responsibility to Protect (R2P), in which all UN member states signed to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Despite the UN and its member states pledging to commit to the protection of populations, violence against Rohingya's escalated to the point where the US categorized it as genocide.

Who are the Rohingya people of Myanmar? The Rohingya people are an ethnic and religious minority in the Rakhine state of Myanmar, formerly known as Burma. The Rohingya are widely recognized as one of the world's most persecuted minorities, and have had a strained relationship with the majority Buddhist population and government of Myanmar since the colonial period (Brooten, Ashraf, and Akinro 2015). From 1948 on, conflict between the government and the many ethnic, religious and political minorities living in Burma, had been a regular occurrence (Farzana 2017). These instances of violence continued until the coup d'état in 1962, a critical moment in the history of Burma. A military revolutionary council overthrew the sitting government and trended towards a nationalist, closed off Burma, led by a military instead of civil government (Taylor 2009).

For the next 20 years, the Burmese military government focused on creating a 'united' country by establishing Buddhism as the state religion and combatting minority insurgencies. In 1982, they formalized ethnic exclusion in the Burma Citizen Law, still in effect today, which includes a list of 'national races' that are considered official Burmese citizens. The Rohingya's are not listed among these 'national races', are essentially unable to attain citizenship and have therefore been considered a stateless people ever since (Farzana 2017). Throughout the 1980's and 90's, ethnic tensions persisted while the Burmese military government led the country down a path of economic and political isolation. The country fell far behind their South-East-Asian counterparts in terms of economic development and used brute force and terror to maintain their political positions and power. This started to change

when Myanmar, having changed its name in 1989, started to experience outside pressure from their regional partners of ASEAN and ‘the West’ (Clapp 2015). A democratic movement caused by Aung San Suu Kyi’s leadership, US sanctions, and increasing ASEAN pressure led to Myanmar’s first democratic elections in 2012 and a landslide victory for Suu Kyi’s National League for Democracy (NLD) party (Than 2013).

Although Myanmar had been undergoing rapid economic and political changes since the late 1990’s, little changed for the position of the Rohingya Muslims living in Rakhine state. They consistently faced violent attacks by the Buddhist regime as well as other major crises that had forced hundreds of thousands to have fled to Bangladesh before, only to be partially repatriated later. The decades of tension between the Rohingya communities in Myanmar and the Buddhist regime reached a new, catastrophic high on August 25<sup>th</sup>, 2017, when the Arakan Rohingya Salvation Army (ARSA) attacked multiple Myanmar security installations (Prasse-Freeman 2017). The Tatmadaw, the official name for the Myanmar armed forces, retaliated in extreme ways, burning down Rohingya homes and communities, systematically raping women and girls, and killing thousands of Rohingya’s, including children. The Rohingya’s that survived the attacks received the message to leave Myanmar and never come back (Beyrer and Kamarulzaman 2017).

The crackdowns continued for months and by early December 2017 approximately 700,000 Rohingya’s were estimated to have fled Myanmar as the Tatmadaw partially or fully destroyed almost 400 Rohingya villages. Besides burning down entire villages, the Buddhist army’s tactics included torture, (gang) rape, and murder, having already killed about 10,000 Rohingya men, women and children by the end of 2017 (Barany 2019). The numbers have only increased since, and the most recent estimates state that over 742,000 Rohingya’s have fled to Bangladesh since August 2017, of whom over 40% are children under the age of 12 (UNHCR 2022).

Despite global commitment to R2P in 2005, the violence against Rohingya’s escalated into a devastating humanitarian and refugee crisis. This thesis aims to investigate the state of the norm of R2P at the time of the crisis in 2017 in order to understand its influence on the decision whether to intervene in Myanmar. As is further elaborated upon in the literature review, the normative status of R2P influences international actors in major decisions that impact millions of lives. Understanding the strength of the norm and how it influences actors

at a certain point in time is therefore critical. As R2P is invoked through the United Nations Security Council (UNSC), two UNSC meeting records from September and December 2017 on the crisis in Myanmar are analysed by conducting a Discourse-Theoretical Analysis (DTA). In conducting this analysis, this thesis answers the following research question: what does the non-intervention in the Rohingya crisis in Myanmar reveal about the development of the norm of the Responsibility to Protect?

To answer the main research question, this thesis is structured as follows. Chapter two displays the literature on the development of the humanitarian norm of R2P and the influence of (non)-intervention in particular crises on this development. The review shows there is a need to research the Rohingya crisis in line with other crises to explore the strength and development of the norm. After, the method of DTA as well as the rationale behind the two chosen UNSC documents is explained, and the connection between norm development and discourse is elaborated upon. Chapter four makes up the first part of the DTA and describes discursive choices surrounding conflict and responsibility for each member state present in the UNSC meetings. Chapter five builds on chapter four, providing an analysis of the context states made their discursive choices in. The concluding chapter answers the research question and presents suggestions for further research.



## Chapter 2 Literature Review

This chapter analyses the emergence of the norm of humanitarian intervention and assesses how conflicts in Kosovo, Rwanda, Darfur and Libya affected debate and consensus in the international community. Next, three categories of arguments on the potential development of the norm of R2P are identified. Last, this chapter introduces literature on the Rohingya crisis and R2P to position this thesis in the greater academic debate.

### **The development of the norm of humanitarian intervention**

As the Rohingya crisis escalated in the months following the Tatmadaw crackdown, the international community, especially the UN, was criticized for their inability to effectively deal with the situation (Rosenthal 2019). Their lack of decisive intervention and efforts to protect the Rohingya in Myanmar is considered a failure by many who have written about the crisis (Mennecke and Stensrud 2021; Diamond 2021). How did the UN create a situation in which it is expected of them to protect the Rohingya citizens and not doing so is considered failing? To understand this view, it is necessary to look at the development of the norm of humanitarian intervention and R2P.

The concept of state sovereignty has been key in international relations since the Treaty of Westphalia of 1648 (Croxtton 1999). In the ‘Westphalian Era’, a state has full sovereignty over their territory, and no outside powers are to meddle with their domestic affairs. Sovereignty had been the basis of the international system since the founding of the UN in 1945. However, a shift occurred during the 1990s, as there was a strong increase in humanitarian interventions across the globe. Humanitarian intervention separates itself from ‘regular’ intervention through its primary motive: rescuing people from harm imposed by their own state (Coady 2009).

By definition, humanitarian intervention goes against state sovereignty as it requires intervening in a state’s domestic affairs. This tension between sovereignty and human rights took a prominent spot in global debate during the 90s as devastating conflicts unfolded and interventions occurred in Iraq, Somalia, Haiti, Kosovo and Bosnia-Herzegovina (Kumar 2011). Constructivist scholars such as Martha Finnemore and Nicholas Wheeler argued normative changes within the international community, largely induced by the UN, were causing a shift in states’ interests (Finnemore 1996; Wheeler 2002). Their interests were no

longer solely focused on economic or military gain but included the protection of citizens, explaining the increased number of humanitarian interventions.

Whereas constructivists attested the rise in humanitarian interventions to normative change, realists argued for a different explanation. Taking the 1999 NATO intervention in Kosovo as a principal example, scholars such as Noam Chomsky and David Chandler claimed humanitarian intervention did not represent a shift in norms towards the protection of the individual. Rather, it was yet another attempt of Western powers to further their hegemonic status (Chomsky 1999; Chandler 2006). The unhalted Rwandan genocide of 1994 was another example in which Western powers, particularly France, used tactics that did not match their humanitarian aim, yet seemed to bring them economic or military gain. The UN and several of its member states received harsh criticism for their inconsequential and ineffective handling of the situation despite having been present through the United Nations Assistance Mission for Rwanda since late 1993 (Jones 1995; Chandler 2006).

The crises in Rwanda and Kosovo were pivotal in the UN's humanitarian approach in the early 2000s as it was UN Secretary General Kofi Annan who sent a strong message on the protection of human rights at his address to the UN General Assembly (UNGA) in September 1999 (Heraclides and Dialla 2015). Referring to both Kosovo and Rwanda directly, he sided with the constructivist approach and emphasized the international community should welcome the developing norm of humanitarian intervention. It was the Canadian-sponsored International Commission on Intervention and State Sovereignty (ICISS) that took on the challenge of developing a comprehensive report on conflict prevention following Annan's remarks. The ICISS argued for a shift from a 'culture of reaction' to a 'culture of prevention' and stressed the responsibility of the state in protecting their own citizens from harm (Bellamy 2008a; 2008b). They presented their work, a 108 page report called 'the Responsibility to Protect', in December 2001, laying the grounds for a significant change in UN policy from sovereignty towards human rights (Thakur 2002).

The principle of R2P was unanimously accepted in the Outcome Document of the World Summit in 2005. It was based on core ideas from the ICISS report, although it was a much-diluted version because of scepticism towards giving up sovereignty from China and Russia (Heraclides and Dialla 2015). In short, the principle of R2P is split into three pillars: pillar one declares that states have the primary responsibility to protect their citizens from

genocide, war crimes, crimes against humanity and ethnic cleansing, also known as the four triggers. Pillar two states that the international community must attempt to assist states in fulfilling this duty. The last and most disputed pillar declares that in the case of a state who fails to protect its own citizens, the international community has a duty to take collective action in order to ensure the citizens protection anyway (Tang Abomo 2019)<sup>1</sup>.

The acceptance of R2P elicited great response in both political and academic spheres. On one side were those who called the unanimous acceptance of the R2P doctrine a landmark agreement, major achievement, or path-breaking development (Murthy and Kurtz 2016; Evans and Thakur 2013; Lafont 2015). Notwithstanding the issues each scholar addresses, they believed it to be an important step in creating a norm towards the protection of individual human rights and acceptance by the UNGA showed strong commitment at the highest international level.

However, conflict in Darfur, a region of Western Sudan, exposed a multitude of challenges to the implementation of R2P (de Waal 2007). Darfur was considered a clear-cut case of R2P to show commitment to the protection of civilians against their own government, yet is commonly referred to as a failure (Evans 2009; Verhoeven, de Oliveira, and Jaganathan 2016). The inadequate conceptualization of R2P left the UNSC with an inconsistent and incomplete strategy in protecting Darfurians from violence (de Waal 2007). Moreover, disagreement on what to name the conflict in Darfur, e.g. mass slaughter or genocide, exposed how language could obstruct the appeal to R2P despite collective knowledge of widespread violence against citizens (Mamdani 2010). Whereas the four triggers of R2P were meant to create a certain automaticity within responding to the gravest crimes, Darfur showed the UNSC could quite easily obstruct this process through language use.

The failure of the UNSC to protect the citizens of Darfur left many sceptic towards the concept of R2P and its practicality (Bellamy 2015). However, those who continuously endorsed and supported R2P finally saw the coming of age of R2P with the intervention in Libya in 2011 (Evans 2012; Thakur 2011). The “extraordinary clarity of the threat of mass atrocities” left no room for disagreement on how to categorize the violence and resulted in the proposal of UNSC resolution 1973 on the situation in Libya (Bellamy 2011). UNSC

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<sup>1</sup> For a thorough, detailed explanation of the three pillars of R2P, see p.22-29 of [‘R2P and the US intervention in Libya’](#) by Paul Tang Abomo.

Resolution 1973 represented the first time the UNSC invoked R2P to protect the citizens of a state against the wishes of the functioning government, with authorization to take all necessary measures, including force, in order to do so (Paris 2014). The NATO-led intervention that followed included (air) strikes lasting several months and ended on October 31<sup>st</sup> 2011 after the death of Gaddafi and the implementation of a new government in Libya (Terry 2015).

The intervention in Libya was highly controversial and provoked criticism from within the UNSC as well as the academic world (Gifkins 2016). First, several UNSC member states had been sceptic of the intervention from the outset and strongly condemned the process after. Although none voted against the resolution, 5 members abstained from the initial vote on the resolution. Brazil, China, Germany, India and Russia gave similar reasons for abstaining: the potential use of force as described in the resolution was not something they supported, yet they were convinced of the necessity of action in Libya and therefore did not vote against or veto the decision (Bellamy 2011). This critical perspective intensified throughout the NATO mission and resulted in Brazil, China, India, Russia and South Africa openly condemning the mission and the member states employing and supporting it (Bellamy 2015). Their main points of critique were that NATO was trying to pursue regime change instead of focusing on the protection of civilians, defying resolution 1973 and using excessive force in the process. Their critiques were shared by many academics (Kuperman 2013; Kumar 2011).

The high-stake intervention in Libya added a new dimension to the debate on R2P, as the world had now witnessed the first case in which it was implemented against a government's will. As set out, this thesis separates the arguments surrounding the intervention in Libya and the development of the norm of R2P into three categories. First, there is a set of academics who claim R2P had been nothing more than a 'hollow norm', unable to change the behaviour of states, that died with the inaction in Syria in 2012 (Hehir 2013; Nuruzzaman 2013; Glanville 2016). In the Syrian conflict of 2012, which quickly followed the intervention in Libya, Russia and China vetoed several UNSC resolutions in order to avoid 'another Libya-type intervention' by Western powers (Thakur 2018).

On the opposite side of the debate are scholars who believe R2P is moving towards or has already reached the point of 'internalization', a term introduced by Martha Finnemore and Kathryn Sikkink in 1998. Their highly influential theorising of norms as a life cycle argues

norm influence goes through three stages (Finnemore and Sikkink 1998). Within the first stage, norm emergence, norms compete for prioritization. This occurs through so-called norm entrepreneurs who use their platforms and expertise to persuade critical actors into agreeing with the necessity of the norm. If the norm entrepreneurs are successful in conveying their message, the norm will reach a tipping point in which key (state) actors adopt the norm and function as norm leaders.

In the second stage, norm cascade, more states begin to adopt the norm without necessarily having been pressured domestically. The functioning mechanism in this stage is socialization, meaning norm leaders are pressuring fellow states or organizations to adhere to the new standard. Following norm cascade is the third and final stage of norm development: internalization. When a norm has reached the point of internalization it has been so widely accepted it reached a taken-for-granted status and has become ‘normal’ in the international community (Finnemore and Sikkink 1998). Key scholars in the R2P debate such as Roland Paris, Ramesh Takur and Jon Western have taken this position and expressed their faith in the development and influence of the norm of R2P. All three claim that the debate on R2P has moved from the question of whether to intervene to what exactly intervention should look like. They argue that the core of the norm of R2P, the protection of civilians against their own government as first introduced by the ICISS, has widely been accepted (Paris 2014; Thakur 2018; Western 2011).

Lastly, Justin Morris proposed an alternative theory on the development of the norm of R2P in 2013. He claimed it was not a case of internalization or failure, but one of momentum. Morris regards the norm development of R2P not as a linear process towards internalization, but as a ‘swinging pendulum’, in which Libya could very well represent the end of one side but the norm of R2P can swing back and forth between extremes (Morris 2013). Both building on and critiquing Finnemore and Sikkink, Morris argues linearity cannot be assumed with R2P as there may be periods of progression or regression. On a similar note, Alex Bellamy stated the intervention in Libya within the concept of R2P was “the exception rather than the rule”, in part because it was not likely the UNSC would collectively label a conflict as one of the four triggers any time soon (Bellamy 2011). However, he did not entirely dismiss the norm of prevention in mass atrocities; instead, he predicted the third pillar of military intervention would not ever achieve the same type of consensus, yet the other two pillars might.

As this review displays, individual crises greatly influenced the development of the international norm of R2P and affected debate surrounding it. Whereas inaction in Kosovo, Rwanda and Darfur moved the UNSC towards a comprehensive norm on the protection of citizens, conflicts in Libya and Syria presented challenges and exposed conceptual and practical flaws. 6 Years after the Libyan intervention, the violence in Myanmar in 2017 presented a crisis in which R2P perhaps could have been but was not fully invoked. However, R2P was still a key term in the debate surrounding the crisis and to state the norm lost its influence with the inaction in Syria is inaccurate. Rather, Morris' theorising of the norm as a swinging pendulum based off Finnemore and Sikkink's life cycle theory presents an opportunity to explore the case study of the Rohingya using this framework.

Literature on the Rohingya crisis has criticized UNSC (in)action, particularly because of its knowledge of the dire situation early on. The spike of violence against the Rohingya in August 2017 provoked strong initial reactions from the UN and its member states, many condemning the violence and speaking of grave human rights violations (Khin 2017). The situation concerning the Rohingya crisis had been on the UN radar for a while, as international actors such as Human Rights Watch and the UN special rapporteur had repeatedly called for attention to the conflict since 2010 (Mennecke and Stensrud 2021). Moreover, the United Nations High Commissioner for Human Rights Zeid Ra'ad al Hussein stated the Rohingya situation seemed like a "textbook example of ethnic cleansing" in his update to the Human Rights Council as early as September 11<sup>th</sup> 2017. Despite Zeid Ra'ad Al Hussein efforts to categorize the crisis as ethnic cleansing, one of the triggers of R2P, the crisis was not widely recognized as such and the UNSC did not have a Libya-type reaction to the situation (Zahed 2021).

Academics widely criticized the UNSC for its inaction in Myanmar in 2017, especially as the violence endured and the underlying tensions continuously caused more conflict. In trying to find the cause for the non-intervention, scholars seem to have reached a consensus on the key role of China, and Russia to a lesser extent, in preventing the UNSC from taking a more assertive position towards the Tatmadaw (de Wijk, Thompson, and Chavannes 2020; Šimonović 2021). As is further explored in the fifth chapter of this thesis, Myanmar is of geopolitical strategic importance to China, and China therefore aims to protect Myanmar's sovereignty and keep the international community from intervening (Mennecke and Stensrud 2021). This thesis' focus on the normative value of R2P in the Rohingya crisis, especially in

relation to other crises, adds to literature on norm development and its influence in particular crises.

## **Conclusion**

This chapter laid out the development of the norm of humanitarian intervention and R2P, uncovering the tensions and challenges that underly this process. Similar to the cases presented in this chapter, analysing the Rohingya crisis reveals what role the norm of R2P played or did not play. This thesis aims to do so by focusing on discourse in the UNSC as language use is at the heart of norm development as well as invoking R2P. The following chapter explains the method used to study the discourse of the UNSC member states and answer this thesis' main research question.

## Chapter 3 Method

The preceding chapter covered the literature on the development of the norm of R2P and established the need to explore the Rohingya crisis within the theoretical framework of Morris' swinging pendulum. To demonstrate what the UNSC's response to the Rohingya crisis reveals about the norm, this thesis conducts a Discourse-Theoretical Analysis (DTA) of UNSC meeting records concerning the situation in Myanmar in 2017, making the crisis in Myanmar the case study of this thesis. This chapter first explores the connection between norms and discourse, followed by a description of the use of DTA and the structure that is utilized in this thesis. Lastly, the rationale for selection of the UNSC documents is stated.

### **Norm development and discourse**

This thesis conducts a DTA of two UNSC meeting records to explore the role of the norm of R2P. A norm in International Relations theory is generally defined as a "standard of appropriate behaviour for actors with a given identity" (Finnemore and Sikkink 1998). Norms provide actors with boundaries within which they can operate, essentially enabling or constraining them in their (in)action (Morris 2013). However, using the familiar terminology of Finnemore and Sikkink, a norm is only successful in setting boundaries of action if it has been sufficiently cascaded and internalized.

To explore the role of the norm of R2P, this thesis analyses discourse within UNSC meeting records, using the 2017 crisis in Myanmar as its case study. As established, states tend to act within the boundaries of a norm. However, norms are not 'set', especially if they have not reached the point of internalization, and require constant (re)interpretation by actors (Gifkins 2016). To understand what actors perceived the constraints of the norm of R2P to be at the time of the Rohingya crisis, it is necessary to examine their discursive choices. As Jess Gifkins states, "the interpretation and use of language in the Security Council is not static and reflects a negotiated balance of what was acceptable to members at a particular moment in time" (Gifkins 2016).

For the purpose of this thesis, the understanding of discourse surrounding the norm of R2P is not limited to direct mentioning of the term nor the resolution in which it was accepted. The norm of R2P encompasses a wider focus on humanitarian intervention and the DTA in this thesis therefore takes into account a broad notion of the norm. Variations of R2P that



refer directly to the obligation of protecting civilians from mass atrocities are included in the analysis.

### **Discourse-Theoretical Analysis**

This thesis conducts a DTA following Laura Shepherd's operationalisation and structure. DTA is one of many methods within the field of discourse studies, a poststructuralist methodology that focuses on written and spoken discourses and the way in which they produce reality (Hardy, Phillips, and Harley 2004; Milliken 1999). Discourses in this context are seen as "systems of meaning-production rather than simply statements or language, systems that 'fix' meaning, however temporarily, and enable us to make sense of the world" (Shepherd 2008; 20). Within her method, Shepherd emphasizes the discontinuity of meaning within discourse, recognizing its 'fluidity' and the way in which meaning of discourse is never fixed. She draws predominantly on work by Foucault, Laclau and Mouffe for the epistemological basis of the theory.

This thesis conducts a DTA of two UNSC meeting records surrounding the situation in Myanmar. DTA, as employed by Laura Shepherd, is the most fitting method to answer this thesis' main research question as it allows for making a connection between discourse and context. As stated, actors make (discursive) decisions based on what they believe their normative constraints to be. Thus, focusing on discourse within UNSC meeting records can reveal their perception of a norm. In the words of Laura Shepherd, "discursive practices maintain, construct and constitute, legitimize, resist and suspend meaning, and it is these practices that theorists can analyse using DTA." What meaning do the member states present at the two UNSC meetings give to R2P in the case study of Myanmar? What does this tell us about their perception of the norm? That is what DTA attempts to uncover.

Following Shepherd's tripartite method of DTA, partly derived from methodology developed by Jacques Derrida, this thesis employs three analytic strategies (Shepherd 2008; 26). The first analytical strategy is the use of nodal points, which runs throughout and connects parts of the analysis. Nodal points, which Laclau and Mouffe call "privileged discursive points", are the concepts around which the DTA is built (Shepherd 2008; 30). The nodal points are chosen inductively as thorough knowledge of the texts is required to determine which terms are key to the analysis. In this thesis, the chosen nodal points are

responsibility and conflict, analysing who members states assign responsibility of protecting civilians to and what the term they use in describing the conflict in Myanmar. Focusing on these two nodal points and the relationship between them provides a strategy to analyse the meaning of the chosen discourse.

The second strategy, double reading, shapes this thesis as a whole as it determines the structure of the two analytical chapters. Double reading consists of two stages: descriptive reading and discourse-theoretical reading. The first stage, descriptive reading, makes up the fourth chapter of this thesis. This chapter describes the discourse used to refer to the nodal points by member states present at the UNSC meetings, after which they will be grouped together based on their choices. The descriptive stage is a deconstruction of the texts that strictly looks at manifest content: how do members states describe the nodal points this thesis focuses on?

The second stage of double reading, discourse-theoretical reading, makes up the fifth chapter of this thesis. This chapter is where the third analytical strategy, subject-positioning, comes in. As Shepherd states, the second part of the discourse analysis “investigates the articulation of subjects and objects, what Doty terms predication, which ‘affirms a quality, attribute, or property of a person or a thing’” (Shepherd 2008; 30). In other words, this chapter investigates the positioning of the nodal points in relation to one another and to those talking about them. Having grouped together member states with similar discursive choices in chapter four, the discourse-theoretical reading uncovers what their relations to the nodal points are and what this suggests regarding their positions on R2P.

Ultimately, combining the three strategies throughout chapters four and five uncovers what Shepherd deems are member states’ ‘regimes of truth’ (Shepherd 2008; 30). What are the normative boundaries of R2P they believe they are working within in the case of the Rohingya in Myanmar, or are there perhaps none? What do they perceive the context to be? Uncovering and examining these ‘regimes of truth’, though they may differ per group of member states, uncovers at what point of Morris’ swinging pendulum the norm of R2P might be.

## **Rationale for selection**

As established, this thesis is a case study of the 2017 crisis in Myanmar. A case study is commonly defined as “an intensive study of a single unit for the purpose of understanding a larger class of (similar) units” (Gerring 2004; 342). The methodological choice for doing a case study is based on the literature review, which showed that the exploration of a single case can help authors make claims about the larger norm development (Chomsky 1999; de Waal 2007; Bellamy 2011). A case study is able to provide depth and detail within an analysis, allowing the case of Myanmar to be thoroughly investigated (Gerring 2004).

The unit of analysis in this case study is the UNSC, as the UNSC decides whether to invoke R2P in a situation, giving them the formal power in enforcing the norm. Although other actors may be able to influence decision-making at the UNSC to some extent, the UNSC remains the decisive body. This thesis conducts a DTA of the meeting records of the UNSC because these records show what each of the council’s members stated regarding the crisis. Unlike a UNSC resolution, meeting records allow for a detailed examination of the positions taken by individual member states as well as their use of discourse. Analysing these choices in accordance with Shepherd’s strategies explores what role R2P played in the UNSC meetings.

To capture the UNSC member states’ positions towards the norm of R2P, this thesis conducts a DTA of UNSC meeting records from 28 September 2017 and 12 December 2017 on ‘the situation in Myanmar’. The first meeting was held a month after the attacks on August 25<sup>th</sup> 2017 and includes representatives of both Myanmar and Bangladesh. This meeting represents the council member’s initial reactions towards the crisis as it was the first time the council openly discussed the situation since August 25<sup>th</sup>. Like the first, the second meeting record chosen for this analysis includes statements by representatives of Myanmar and Bangladesh. This meeting was the first to be held after the council’s presidential statement on 6 November 2017 and shows how member states reflect on this statement as well as Myanmar’s response to it. Due to the scope of this thesis, no more than two meeting records were selected.

## **Conclusion**

This chapter set out the purpose and structure of the chosen method of DTA in the case study of Myanmar as well as the rationale behind the unit of analysis and documents. This thesis conducts a DTA of two UNSC meeting records utilizing Morris' swinging pendulum as the main theoretical framework. This is done following Shepherd's three-part strategy resulting in a comprehensive analysis of the UNSC member states' position on R2P regarding the case study of the Rohingya crisis in Myanmar. The following chapter presents the first part of the analysis, a descriptive reading of the two UNSC meeting records.

## Chapter 4 UNSC meetings 8060 and 8133 on the crisis in Myanmar

This chapter is a descriptive reading of UNSC meeting records 8060 and 8133, the first part of the DTA of the case study of Myanmar. The preceding chapter set out this chapter's focus on manifest content while using the nodal points of responsibility and conflict to guide the analysis. Based on the statements of the 17 member states attending and speaking at both meetings, they are categorized into three groups. These can be broadly described as most condemning of the crisis, taking middle ground, and least condemning of the crisis. Following the analysis, a fourth group is introduced. Finally, the conclusion wraps up the chapter and introduces the second part of the DTA.

### **UNSC meeting 8060**

On 28 September 2017, UNSC meeting 8060 on 'the crisis in Myanmar' was held at the request of Egypt, France, Kazakhstan, Senegal, Sweden, the United Kingdom and the United States. UN Secretary General António Guterres briefed the council after which each member state spoke on the crisis. Besides the 15 representatives of the UNSC member states, 5 permanent and 10 rotating, representatives of Bangladesh and Myanmar were present, meaning a total of 17 member states spoke: Ethiopia, Bolivia, China, Egypt, France, Italy, Japan, Kazakhstan, Russia, Senegal, Sweden, Ukraine, the UK, the US, Uruguay, Bangladesh and Myanmar.

### **António Guterres**

Secretary-General Guterres' opening statement started the meeting with a short synopsis of the crisis. Besides stating that at least 500,000 civilians fled Myanmar, he condemned ARSA for their August 25<sup>th</sup> attacks as well as the Myanmar military for their excessive response. Guterres called the crisis "the world's fastest developing refugee emergency and a humanitarian and human rights nightmare"(p.2). Moreover he spoke of a "deeply disturbing pattern to the violence and the ensuing large movements of an ethnic group from their homes" regarding the Rohingya's

As to the norm of R2P, the Secretary General touched on pillar one when stating "the Myanmar authorities must fulfil their fundamental obligation to ensure the safety and security

of all communities and to uphold the rule of law without discrimination”(p.3). The responsibility lied with Myanmar authorities, and Guterres positions the UN in a supporting role. Finally, he stated the “United Nations will remain a close partner to Myanmar” and called on the council to “stand united and support our efforts to urgently end this tragedy” (p.4).

### **Most condemning**

Following Secretary-General Guterres’ briefing, 17 member states spoke on the crisis. As established, these member states are divided into three groups guided by the nodal points of responsibility and conflict. The first group is categorized as the ‘most condemning’ of the crisis as they use strong language when describing the conflict and put responsibility beyond the government of Myanmar. This group consists of the UK, the US, France, Egypt, Senegal and Bangladesh. Interesting to note is that this group includes 3 of the 5 permanent members of the UNSC: the UK, the US and France.

Throughout the UK’s statement, the first of the 17, a remarkable choice in language was made: the UK refers to the country as Burma, not Myanmar. Myanmar is only mentioned once in the UK’s statement on the crisis when describing a UN fact-finding mission. In terms of identifying the conflict, the UK called it “an acute humanitarian crisis that poses a threat to stability and security in the region (p.4)”. Moreover, they referred to it as a human tragedy, one that had exploded with unprecedented speed.

Regarding responsibility, the UK explicitly stated “The Burmese military bear the primary responsibility for resolving this crisis” (p.5). The UK urged them to accept humanitarian aid from the UN and other international agencies as well as advise from the Advisory Commission on Rakhine State. Although Burma bears the primary responsibility, the UK stated that if the Burmese government fails to improve the situation “the Council must then be ready to take further action.”

Like the UK, the US solely referred to Burma, not mentioning Myanmar a single time. In terms of conflict, the US stated “we cannot be afraid to call the actions of the Burmese authorities what they appear to be — a brutal sustained campaign to cleanse the country of an ethnic minority” (p.6). Important to note is the word ‘appear’, as well as the fact that they

refrain from the term ethnic cleansing yet describe the situation using very similar terminology.

Similar to the UK, the US put primary responsibility of protecting citizens with the Burmese government. They stated “the Government has a responsibility to restore the rule of law and prevent attacks by citizens in its name” (p.6). However, they also envisioned a more involved Council if the Burmese government refused to stop spreading hateful ideas about the Rohingya people. In that case, the US representative was clear that action should be taken beyond “well-meaning diplomatic words”.

The third and last member state that chose to refer to the country as Burma is France. France used strong language on conflict, stating that “the terrible facts are before us. As President Macron reminded us at the General Assembly (see A/72/PV.4), ethnic cleansing is happening today in western Burma” (p.11). With this statement, the French explicitly categorized the conflict as one of the four triggers of R2P. Moreover, France spoke of “massive violations of human rights that may constitute crimes against humanity”, crimes against humanity also being one of the triggers.

Accordingly, France envisioned an important role for the UN in resolving the crisis. He did not solely speak of the UN in a supporting role, but of the Council’s responsibility to unite and act. Even though France urged the Myanmar government to ensure protection of all civilians, there is a greater focus on the UN’s involvement. The final words of the French representative were for the “Security Council to fully assume its responsibilities concerning this issue that, through this meeting, we wish to make a priority and a shared priority on which to take collective action” (p.12).

Senegal is the first in this group to refer to the country discussed as Myanmar, not Burma. Senegal described the conflict as a human tragedy including indiscriminate and disproportionate repression. They referred to the Rohingya people as “the most persecuted religious minority in the world” (p.8) and urged for an investigation into human rights violations committed against the Rohingya minority.

In terms of the norm of R2P, Senegal referred to the international community as having to “take action to put an end to this genuine human tragedy” (p.7). Moreover, they

spoke of the Council “bearing full responsibility, on the growing threat to international peace and security” (p.7). Contrary to the UK, US and France, they refrained from speaking of the responsibility or duty of the Myanmar government in the protection of civilians.

Egypt, like France, categorized the crisis in Myanmar as one of the four triggers of R2P. Egypt stated that “during this crisis, hundreds of thousands of innocent people have been killed, persecuted and ethnically cleansed” (p.9). They described the situation as a humanitarian emergency and emphasized the threat to regional stability as well as the burden carried by neighbouring countries such as Bangladesh.

In their statement, Egypt put the “responsibility for protecting individuals and ending violence by all possible means” (p.9) with the Myanmar government, urging it to shoulder its moral and humanitarian responsibility. However, they also saw a place for the UN and the international community in helping Myanmar address the crisis, claiming the Council should take swift action to help refugees and protect their humanitarian rights.

Last in this group is Bangladesh, the member state most impacted by the crisis besides Myanmar. In describing the conflict, the Bangladeshi statement is unrelenting: they described the Rohingya’s as the most persecuted community in the world and the crisis as a textbook example of ethnic cleansing. Moreover, they described various ways in which the Myanmar government had harmed and persecuted Rohingya communities and spoke of “allegations and counter-allegations of various forms of atrocities, which amount to crimes against humanity” (p.23).

Bangladesh explicitly called on the UN for help in multiple ways, one of them being the creation of “United Nations-administered safe zones inside Myanmar” (p.23). Additionally, the alleged atrocities and possible crimes against humanity should be investigated by a Security Council fact-finding mission, Bangladesh stated. This statement followed their categorizing of the new phase of the crisis as “the State’s failure or abnegation of its primary responsibility to protect its civilians.”

### **Middle ground**

The member states that make up the second group condemned the situation in Myanmar but did not categorize them as one of the four pillars. Moreover, they put the



primary responsibility to protect civilians with the Myanmar government and only envisioned the UN in a supporting role. This group includes Sweden, Kazakhstan, Italy, Ukraine, Uruguay, Bolivia and Ethiopia. As these member states used similar discourse and broadly endorsed the same message, they are not analysed one by one. Instead, a table is included displaying the discourse surrounding the nodal points.

Member state	Conflict	Responsibility
<b>Sweden</b>	<ul style="list-style-type: none"> <li>• Most urgent refugee emergency (p.10)</li> <li>• Decades long cycle of violence and displacement suffered by the Rohingya people (p.11)</li> </ul>	<ul style="list-style-type: none"> <li>• The Government has the responsibility to ensure the safety and security of all communities without discrimination p.10</li> <li>• International community stands ready to support the government of Myanmar p.11</li> </ul>
<b>Kazakhstan</b>	<ul style="list-style-type: none"> <li>• Mass exodus from Myanmar (p.12)</li> <li>• Acts of persecution and discriminatory practices against Rohingya Muslims (p.13)</li> </ul>	<ul style="list-style-type: none"> <li>• It is the obligation of every State to ensure the safety and security of all communities (p.13)</li> <li>• Contribute positively in multilateral action (p.14)</li> </ul>
<b>Italy</b>	<ul style="list-style-type: none"> <li>• Dangerous humanitarian crisis (p.16)</li> <li>• Human rights violations (p.17)</li> </ul>	<ul style="list-style-type: none"> <li>• Responsibility of the Council to urgently address the situation and collectively engage in providing assistance (p.16)</li> <li>• National authorities are responsible for safeguarding the lives and protecting the fundamental rights of all people (p.16)</li> </ul>
<b>Ukraine</b>	<ul style="list-style-type: none"> <li>• Human rights violations (p.17)</li> <li>• Violence in Rakhine state that has led to numerous civilian casualties and enormous suffering (p.17)</li> </ul>	<ul style="list-style-type: none"> <li>• The Council is responsible for maintaining international peace and security and the Government of Myanmar is the primary entity responsible for the well-being of its own people (p.18)</li> </ul>
<b>Uruguay</b>	<ul style="list-style-type: none"> <li>• The serious crisis caused by the wave of sectarian violence against the Muslim Rohingya people is alarming (p.18)</li> <li>• Violations of human rights (p.18)</li> </ul>	<ul style="list-style-type: none"> <li>• Responsibility for protecting civilians always falls primarily on States (p.18)</li> <li>• Call on the international community and neighbouring countries to provide the support and resources necessary (p.19)</li> </ul>
<b>Bolivia</b>	<ul style="list-style-type: none"> <li>• Vigorously condemns the violence impacting Rakhine state, especially</li> </ul>	<ul style="list-style-type: none"> <li>• Any conflict within a State must be resolved first and foremost within its borders (p.19)</li> </ul>

	<p>the Rohingya Muslim ethnic group (p.19)</p>	<ul style="list-style-type: none"> <li>• If it cannot be so resolved, it should be supported by regional and subregional organizations, while upholding the principles of the Charter of the United Nations (p.19)</li> </ul>
<p><b>Ethiopia</b></p>	<ul style="list-style-type: none"> <li>• Security and humanitarian situation in Myanmar, which is indeed deeply worrying</li> </ul>	<ul style="list-style-type: none"> <li>• It is absolutely necessary to work closely with the Myanmar Government in addressing the root causes of the conflict in Rakhine state (p.20)</li> </ul>

**Least condemning**

The third group of member states emphasized sovereignty, the need for the UN to understand the complexity of the Myanmar crisis, and envisioned a relatively passive UN. Unlike the member states in the previous group, they refrained from directly criticizing the Myanmar government and either kept the blame ambiguous or put it on the ARSA. This group consists of Japan, China, Russia and Myanmar.

Japan’s statement on the crisis in Myanmar included a condemning of attacks on both the Myanmar security forces as well as civilians, not specifying who might have carried out the attacks. Moreover, Japan is the only country besides Bangladesh to have used the word ‘allegations’ in their statement. Specifically, Japan spoke of “the allegations of the killing of civilians” (p.14) after stating to be “deeply concerned with the human rights and humanitarian conditions”.

Regarding responsibility, Japan saw the Myanmar Government as the main actor in improving the situation and refrained from mentioning UN involvement. Japan emphasized the humanitarian assistance they provided through monetary aid and their support of the efforts of the Myanmar Government in addressing the situation. Besides, they explicitly stated they were “encouraged by the commitment, expressed by State Counsellor Aung San Suu Kyi” (p.14) on implementing recommendations by the Advisory Commission on Rakhine State and speaking on acting against those violating human rights.

China, like Japan, avoided naming any actor as responsible for the “recent violent attacks”. Instead, they were the first at the meeting to argue that “as we speak, the situation on

the ground is beginning to stabilize”. Beyond this statement, China referred to the state of affairs in Myanmar as “the situation” and “the issue”, only speaking of the “mass exodus of the Muslim population” when discussing Bangladesh (p.14).

China, referring to itself as a “friendly neighbor of both Myanmar and Bangladesh” (p.24) positioned these two countries as the only ones who could resolve the issue. Concerning outside influences, China warned “the international community to view the difficulties and challenges confronting the Government of Myanmar objectively, while exercising patience and providing support and help” (p.14). The only role they saw for the international community was to facilitate and consult.

The Russian statement dedicated a full paragraph to the role of ARSA, who they identified as extremists and terrorists with foreign sponsors. Russia claimed ARSA “sought to maximize the scale of the humanitarian catastrophe and shift all blame for it to the Government” and positioned them to have undermined the Myanmar Government’s efforts to stabilize the situation.

Resembling the Chinese statement, Russia urged the international community to refrain from making judgment calls about the situation. They called on “the parties involved and external stakeholders to demonstrate restraint and objectivity in their assessment of ongoing events. We need to be very precise in using terms like “genocide” and “ethnic cleansing”” (p.15). Russia supported mediation efforts by the UN but argued the solution should be found bilaterally by Bangladesh and Myanmar.

Last in this group is Myanmar. Like Russia, Myanmar claimed the ARSA ‘terrorists’ incited the violence in Rakhine state leading to the mass exodus, and the Myanmar government was attempting to restore the peace. Moreover, they explicitly stated “there is no ethnic cleansing or genocide in Myanmar” (p.21) and urged the Council and others to not let emotions and subjectivity cloud their judgment. Last, besides their naming of the Rohingya in the acronym ARSA, the Myanmar statement did not mention the name Rohingya once.

Myanmar stated it is “fully aware of its primary responsibility to address the humanitarian situation” and was open to working together with international organizations that provide relief and assistance. Regarding the violence, they were acting against the

terrorists and instructed the army to avoid civilian harm and “collateral damage”. When speaking of the role of the Council, Myanmar stated “the Security Council must refrain from taking measures that exacerbate rather than alleviate the situation there. It can and must do no less” (p.22).

### **UNSC meeting 8133**

On 12 December 2017, UNSC meeting 8133 on ‘developments in Myanmar’ featured briefings by Jeffrey Feltman, Under-Secretary-General for Political Affairs, and Pramila Patten, Special Representative of the Secretary-General on Sexual Violence in Conflict. Moreover, representatives of the same 17 member states attended: the 15 UNSC member states, Bangladesh and Myanmar. As the positions of the member states remained largely the same, the groups do too. The exceptions are Sweden, Uruguay and Senegal, as the first two switch from group two to one and the latter from one to two.

### **Jeffrey Feltman and Pramila Patten**

Following opening remarks by UNSC President Kawamura from Japan, Jeffrey Feltman reiterated the Council’s 6 November presidential statement. Referring to the statement, he explicitly noted “the Government holds the primary responsibility to protect its population through the rule of law and the respect, promotion and protection of human rights” while positioning the UN in a supporting role and noting Myanmar’s sovereignty. Concerning violence, he described the situation as getting better but still requiring attention and assistance.

Ms. Patten remained much more critical of the crisis in Myanmar in her statement as she described her discoveries when visiting refugees in Bangladesh in early November. She reported on the “sexual atrocities” committed and described grave accounts of sexual violence against Rohingya communities. She spoke of “ethnic cleansing” in her statement and in her final sentence read “in the face of this humanitarian crisis, which has ripple effects for regional peace and security, inaction is not an option”.

### **Most condemning**

As stated, this group remains largely the same and contains the member states of the UK, the US, France, Egypt, Sweden, Uruguay and Bangladesh, Uruguay and Sweden being the ‘new’ members. Compared to Meeting 8060, Uruguay was much more critical of the

Myanmar government, even stating to “endorse the observations made by the High Commissioner for Human Rights, Mr. Zeid Ra’ad Al Hussein, that the systematic and widespread repression of the Rohingya minority in Myanmar is characteristic of genocide” (p.17). Similarly, Sweden spoke of “systematic, widespread and coordinated acts of violence strongly indicate that crimes against humanity have been committed” (p.12).

Besides categorizing the violence as one of the four triggers of R2P, Uruguay claimed to not “accept sovereignty or domestic jurisdiction as an excuse for attempts to prevent the consideration of the situation of human rights in Member States.” However, they did recognize that the “primary responsibility of protecting the civilians of Myanmar falls to its authorities” (p.17). Sweden positioned the UN in an important role by stating support and continued engagement was necessary as the promised commitments by the Government of Myanmar had to be implemented.

Besides Uruguay and Sweden, the US, France and Bangladesh categorized the crisis as one of the four triggers. France, again, spoke of ethnic cleansing and added that forms of violence “could amount to crimes against humanity” (p.14). The US previously did not refer to a trigger yet spoke of “accounts of ethnic cleansing” in this meeting. Lastly, Bangladesh still spoke of a “text book case of ethnic cleansing”, and reiterated that it was still taking in hundreds of Rohingya refugees each day.

All seven member states in this group saw the UN as playing an active role in the crisis. Whereas the UK and France spoke of the necessity of the UN being prepared to act, the US mentioned “speaking out for human rights” and Egypt specifically called on members to shoulder the “responsibilities as members of the Security Council with the primary responsibility of preventing the repetition of the type of atrocities and acts she just described.” Bangladesh urged the Council to consider adopting a resolution while remaining aware and seized of the ongoing situation.

### **Middle ground**

As stated, UNSC meeting 8133 statements by Uruguay and Sweden were more consistent with the ‘most condemning’ group whereas Senegal can be switched to the ‘middle ground’ group. This leaves this group with Kazakhstan, Italy, Ukraine, Senegal, Bolivia and

Ethiopia. The common message of these member states was that they remain concerned with the situation, urged for Myanmar to continue working together with the UN and its agencies, and aimed for perpetrators of acts of (sexual) violence to be held accountable. Their common message on the Myanmar government's responsibility to protect civilians from meeting 1060 was not spoken of in this meeting.

The Senegalese statement changed notably from meeting 8060 to meeting 8133. Before, they referred to the Rohingya as the “most persecuted minority in the world” and the situation as a “human tragedy”. In 8133, they spoke of a “displacement crisis” and “humanitarian challenge” and, although they emphasized the severity of the situation, refrained from addressing the continuing violence. The critique on Rohingya repression by the Myanmar government was absent. Lastly, Senegal was the only member state to mention China, thanking China “for its diplomatic efforts” in the very last sentence of their statement.

### **Least condemning**

This group's message stayed consistent across the two meetings. Regarding the categorizing of the conflict, Russia, China and Myanmar emphasized the situation had been eased, Myanmar stating that no clashes with the terrorists occurred since September 5<sup>th</sup>. Moreover, Russia insisted the international community “avoid politically and emotionally tinged speculation about the alleged genocide of Muslims” (p.9). Lastly, Japan remained the only member state in the meeting to consistently use the word ‘alleged’ and ‘allegations’ in discussing the conflict.

All four member states in this group stressed the need for political, bilateral solutions to the problem, with Russia, China and Myanmar explicitly deeming outside pressures and judgments to be counterproductive. The member states envisioned a limited role for the UN, supporting Myanmar and Bangladesh in reaching and implementing agreements and giving aid to ease the humanitarian situation. Lastly, it is notable Myanmar criticized the UN and particular UNSC member states in their statement. They expressed their “objection to the discriminatory and selective application of overlapping actions against my country in the name of human rights under various United Nations mechanisms” as well as their anger with member states not calling Myanmar “by its proper name” (p.21).

## **Conclusion**

This chapter analyzed the 17 member states' position regarding the nodal points of conflict and responsibility in UNSC meetings 8060 and 8133. The analysis resulted in three groups of member states. The first group, categorized as 'most condemning', includes the UK, the US, France, Egypt and Bangladesh. The second group, taking 'middle ground', consists of Kazakhstan, Italy, Ukraine, Bolivia and Ethiopia. The third group, 'least condemning', is made up of Japan, China, Russia and Myanmar. The remaining member states of Senegal, Sweden and Uruguay now make up a separate group as they switched groups between the two meetings. The next chapter makes up the second part of the DTA, discourse-theoretical analysis. This chapter takes context into account and explores the regimes of truth the member states were guided by and worked within.

## Chapter 5 Uncovering Regimes of Truth in UNSC meetings 8060 and 8133

The previous chapter conducted a descriptive reading of UNSC meetings 8060 and 8133 and grouped member states together based on discursive choices. Building on the descriptive reading, this chapter conducts the second part of the DTA, the discourse-theoretical reading. This part of the analysis explores the discursive conditions under which the member states in each group made their statements and the contextual settings that might have influenced discursive decisions. The findings lead to an interpretation of potential regimes of truth they perceived to be working with regarding the norm of R2P, which in turn can be placed within Morris' swinging pendulum theory. Finally, the chapter is wrapped up in the conclusion.

### **Most condemning**

The first group is made up of the member states most condemning of the Myanmar government and in favour of UN involvement in the form of support or even intervention. This group consists of the US, the UK, France, Egypt and Bangladesh. Starting with Myanmar's neighbour, the context of the Bangladeshi statement in September and December 2017 is straightforward. Bangladesh received an influx of over 700,000 Rohingya refugees in three months, putting an enormous strain on the country and its resources (Barany 2019). Their statements in both meetings categorized the conflict as one of the four triggers of R2P and Bangladesh explicitly mentions the responsibility to protect civilians. Their calling for the UNSC to adopt a resolution on the crisis shows a UN-mandated solution was in their best interest and R2P was the mechanism through which they were hoping to receive substantive international support.

Besides urgent domestic concerns with the Rohingya refugee influx, Bangladesh-Myanmar relations were already significantly damaged and did not prevent Bangladesh from speaking out harshly. The fleeing of Rohingya's to Bangladesh had been going on for decades and had caused disputes over repatriation and safe shelter several times (Parnini, Othman, and Ghazali 2013). Moreover, while other Southeast Asian countries were improving bilateral and multilateral relations in the late 20<sup>th</sup> and early 21<sup>st</sup> century Myanmar stayed largely isolated



(Stacey 2021). The Bangladeshi willingness to support the Myanmar government was simply not very high.

Egypt took a strong position against the Myanmar government and focused on the UN responsibility to prevent further violence from happening in meeting 8133. They had been involved in (military) humanitarian intervention through UN mandates in the late 1990's and early 2000's, building international presence (Amar 2012). Egyptian interventionist tendencies continued with the Libyan crisis as they supported military intervention through the League of Arab States (LAS) (Mühlberger 2016). Post-R2P in Libya, they depicted "the Libya conundrum as an unfinished military engagement", blaming the actors for not stabilizing the situation in their neighbouring country instead, not for their attempts at regime change (Mühlberger 2016; 103).

Besides their interventionist tendencies, religion plays a role in the Egyptian context. In both meetings on the crisis Egypt refers to the Islamic faith by stating their willingness to host dialogue through "the umbrella of the Muslim Council of Elders" (meeting 8060 p.10) and their commitment to finding a solution as a member of "the Organization of Islamic Cooperation" (meeting 8133 p.11). Their solidarity with the Muslim Rohingya's has a religious undertone, explaining the urge of the Egyptians to prevent further violence from happening through the framework of R2P.

Last, the US, the UK and France, all permanent members of the UNSC and members of NATO, are analysed in conjunction. The US has a history of refraining from intervention unless national security interests are at stake, yet wants to be seen as the defender of human rights (Tang Abomo 2019). Although the Libyan intervention initially seemed humanitarian, it was depicted as another case of protection of national security interests when regime change was forced (Adler-Nissen and Pouliot 2014; Kuperman 2013). Besides (lack of) interventionist tendencies, geopolitical context is important. The Obama administration had shifted focus to East Asia and invested in the democratic movement of Myanmar, inserting themselves in the region (Karim 2020). Their commitment to UNSC action in the case of Myanmar could have come from a dedication to the democratic movement and an envisioned fruitful partnership between the US and Myanmar.

The UK and France, like the US, played important roles in the intervention in Libya, acting as leading countries in drafting the first resolution and convincing member states to adopt it (Adler-Nissen and Pouliot 2014). For the French, this was in line with their function as a norm entrepreneur in the 90's and norm consolidator of R2P in the early 2000's (Staunton 2018). Important during this time was the Rwandan genocide, for which they were partly blamed by both Rwanda and the international community (Cameron 2015). Most recently, president Macron reemphasized the French role in protecting human rights around the world in 2017. They have been leading negotiations and resolutions as penholder in UNSC meetings on Burundi, CAR, Cote d'Ivoire, the DRC, Lebanon and Mali ever since (Staunton 2018).

The UK, as penholder on the crisis in Myanmar, holds similar sentiments toward humanitarian protection stemming from their colonial period. Like France, the UK has historically supported humanitarian intervention, even when this included going against the host country's wishes (Newman 2021). They showed this commitment through interventions in Kosovo, done without UN permission, and the UNSC-mandated intervention in Libya. The UK even considered taking military action against Syria as they believed circumventing UN law to be just if UNSC vetoes were blocking ability to protect citizens (Newman 2021).

The US, France and the UK all have longstanding commitments to protecting human rights and, even though it might not always lead to action, have been vocal about condemning actors who violate them. This explains their commitment to categorizing the Myanmar crisis as triggers of R2P. However, their restraint in decidedly calling for R2P to be invoked shows hesitation surrounding potential military intervention through pillar three. The Libyan intervention, for which these three member states were heavily blamed, as well as their lack of direct interest in Myanmar accounts for the absence of real commitment to intervening.

### **Senegal, Sweden and Uruguay**

Senegal, Sweden and Uruguay are interesting to this analysis as their discursive conditions seemed to change from their first statements to the second. What changed during those three months between September and December 2017, if anything? They are placed in between groups one and two because this reflects their discursive position. First, Senegal is part of the Chinese Belt and Road Initiative and received a 1.2 billion dollar loan in 2015 to

build a railway system between Senegal and Mali (van Staden 2018). Senegal's change in statements is striking as they diminished their condemnation of Myanmar and thanked China for their diplomatic efforts in the latter meeting. As the findings in Myanmar had not suggested an improvement for the Rohingya's between September and December, the Senegalese were likely influenced by China to change their statement. This narrative is supported by the fact that only 6 months after meeting 8133, Chinese president Xi Jinping visited Senegal to speak about their partnership and announce new investments (Woollatt 2018).

Contrary to Senegal, Sweden and Uruguay switched their statements to more severe language on the situation. With additional information having become available in the final months of 2017, the member states were faced with devastating reports of (sexual) violence like the one by Ms. Patten. This context is likely the driving force behind their change in discourse, as significant geopolitical or foreign policy changes were not apparent. Sweden and Uruguay mention triggers of R2P as they received more information on the situation, and Uruguay explicitly states to not accept sovereignty as an excuse. Regarding the norm of R2P, these two member states can be categorized with the first group in which Uruguay fits with Bangladesh and Egypt in the explicit mentioning of R2P and Sweden fits with the US, France and the UK.

### **Middle ground**

The second group consists of the member states who condemn the actions of the Myanmar government, but not by categorizing them as any of the triggers of R2P, and call for UN support. This group consists of Kazakhstan, Italy, Ukraine, Bolivia and Ethiopia. First, Kazakhstan is the only member state besides Egypt to refer to religion, urging for Myanmar to cooperate with the Organization of Islamic Cooperation (OIC) in meeting 8060. They emphasize religious harmony and the protection of vulnerable Rohingya. However, being China's neighbour, Kazakhstan had to take this relationship into account. Kazakhstan and China have strong economic ties and are alike in their focus on the principles of non-interference and sovereignty (Kembayev 2020). Therefore, Kazakhstan had to refrain from criticizing Myanmar too harshly and risk upsetting their Chinese neighbours, whose relationship with Myanmar is explained in their part of the analysis.

Like Kazakhstan, both Ethiopia and Bolivia had to consider Chinese political opinion. Ethiopia had benefited greatly from the 2013 Chinese Belt And Road Initiative (BRI) and the large investment in a multi-billion dollar railway and continued to foster this mutually beneficial relationship (Tesfaye 2020; Åberg and Becker 2021). Similarly, Bolivia embraced BRI in 2015 as a welcome investment in the country's infrastructure as they envisioned a Bi-Oceanic Railway (Oliveira and Myers 2021). The BRI could function as a reason for Ethiopian and Bolivian positioning in both meetings, as they urged for bilateral solutions and little involvement from outside actors. However, as China was geographically far away and not the only country seeking to expand involvement in Africa and South-America, Chinese influence was not all-determining (Conteh-Morgan 2018).

Lastly, Italy, as a member of the EU, is expected to speak out against humanitarian crises and did so in their statements (Dembinski and Reinold 2011). However, they do not have a strong historical commitment to humanitarian intervention and therefore chose to remain relatively ambiguous in their statements. Ukraine took a similar position. Their relationship with Russia might have influenced their position to some extent but as the Russians did not have particularly striking interests in Myanmar this was likely limited.

For this group specifically, it is critical to realize what is not said surrounding the norm of R2P is equally important to what is said. By refraining from categorizing the violence as one of the triggers yet also not insisting on the need to respect sovereignty these member states deliberately stayed out of the heat of the debate. They were not out to aggravate any of the important political players, particularly the P5, and aimed to avoid potential (political) repercussions. What accounts for all members of this group is that they are not P5 members of the UNSC and do not have the same type of political influence nor a veto right. Their support for broadly accepted pillars one and two of R2P and lack of mentioning of pillar three is exemplary of their position.

### **Least condemning**

The last group consists of member states who emphasize Myanmar's sovereignty and refrain from referring to the protection of civilians besides humanitarian aid: Japan, China, Russia and Myanmar. In both meetings, Japan spoke of 'allegations', was ambiguous on who carried out attacks, and urged for bilateral solutions. Ever since the devastating nuclear bombings in Hiroshima and Nagasaki in 1945, Japan had committed to a strong domestic

norm of ‘anti-militarism’. The introduction of R2P and the contested pillar three worried the Japanese and, despite signing the doctrine, Japan has consistently attempted to shift the norm of humanitarian intervention away from R2P towards the less invasive norm of Human Security (Prantl and Nakano 2011).

Moreover, regional influences are important to the Japanese position. As a key member of ASEAN whose core values reflect non-interference and state sovereignty, Japan was reluctant to refer to R2P. Important to note is that Japan was vocal about providing humanitarian aid yet stayed far away from any notion of interference or intervention in domestic politics. Again, this position fits well in the human security framework Japan had been pushing as a central norm in humanitarian affairs (Tanke 2022).

China strongly opposed interference with Myanmar’s domestic politics and urged for bilateral solutions to the issue. The Chinese positioning fits their historically pro-sovereign attitude against meddling in domestic situations, particularly those concerning human rights (Prantl and Nakano 2011). Although they disturbed this pattern when abstaining from the vote on the Resolution in Libya instead of vetoing it, the aftermath of criticizing NATO and their forced regime change drove China to veto following resolutions on Syria (Morris 2013). Considering Myanmar and China share a 2200 km border and China was one of Myanmar’s strongest trading partners in 2017, interventionist language was not at all anticipated (Islam 2019).

Moreover, China was likely cautious as in 2017 the international community was starting to pick up on treatment of the Uyghurs, a Muslim ethnic minority in China. China has since been ongoingly accused of a campaign to rid China of the Uyghur ethnic people (Roberts 2020). Any Chinese accusation of the Myanmar government would open potentially dangerous paths of investigations or interventions for the Chinese and was therefore off the table. Last, the Rohingya crisis provided an opportunity for China to insert itself into Myanmar’s economic and political situation. As many countries distanced themselves from Myanmar and imposed sanctions, China inserted itself as the protector of the country (International Crisis Group 2020). Their protection in the UNSC served as leverage for the Chinese to make Myanmar cooperate on other fronts (Mobley 2019).

Like China, Russia historically positioned itself as pro-sovereignty and for non-intervention regarding humanitarian rights. Their approach to both the Libyan and Syrian crises reflects this sentiment and underscores their focus on sovereignty (Averre and Davies 2015). Besides, the NATO-intervention in Libya and the forced regime left Russia, like China, even more sceptical of R2P and Western intentions. The relatively good relations with Myanmar and the Russian-Chinese block formed against ‘Western’ powers both within and outside the UN made it likely Russia would follow Chinese actions and refuse intervention (Averre and Davies 2015).

Last, Myanmar attempted to frame the conflict as a terrorist issue and convince member states no ethnic cleansing, genocide or crimes against humanity were happening to stay away from any potential of intervention. Their reference to their primary responsibility to address the humanitarian situation suggests they were aware of the language use surrounding R2P. This narrative supports their explicit refusal of acknowledging ethnic cleansing, genocide or crimes against humanity on their territory as this could trigger R2P. However, as Myanmar had deprived the Rohingya minority from citizenship for decades, it is also likely they believed in their own statements as the Rohingya’s were not citizens of Myanmar. Either way, the Myanmar governments approach to the meetings and R2P are compatible with a strategy that attempts to stay as far away from potential intervention as possible.

### **Regimes of truth**

The different groups and member states each function within contextual or normative constraints, their regimes of truth, as elaborated on above. For Bangladesh, Egypt and Uruguay, R2P was the framework to call upon, albeit for different reasons. The UK, the US, France and Sweden consistently called on pillars one and two of R2P and categorized violence as one of the four triggers yet despite mentioning action beyond support refrained from attempting to invoke pillar three. This shows a lack of commitment to actively protecting the Rohingya against the atrocities R2P entails in the doctrine.

Kazakhstan, Ethiopia, Bolivia, Italy, Ukraine and Senegal each express condemnation of the Myanmar government’s involvement in the crisis, call on their national responsibility to protect their citizens in some form, and support pillars one and two of R2P. However, they do not speak of UN involvement beyond the support of pillar two. Although their discursive

contexts differ in several ways, these member states' statements regarding R2P are quite similar.

Last, Japan, China and Russia do not mention the norm of R2P in any way and seem to experience limited normative constraints because of it. Instead, they are focused on bilateral, diplomatic solutions to the crisis that do not require any judgement or interference from the international community. Humanitarian aid and support for those affected are generally supported by these four member states and they each condemn the ARSA group for their part in the terrorist attacks in Myanmar. Myanmar itself speaks of their primary responsibility to address the humanitarian situation, acknowledging there is a humanitarian situation to begin with and referring to their responsibilities. Their deliberate rebuttal against categorizing the crisis as one of the four triggers shows their reluctant stance towards R2P in this situation.

## **Conclusion**

This chapter conducted the second part of the DTA, the discourse-theoretical reading. The discursive conditions of each member state in each group were analysed to determine whether they were influenced by the norm of R2P. Bangladesh, Egypt and Uruguay were the most explicit in calling on R2P and UNSC action through all pillars, after whom the UK, the US, France and Sweden called on R2P through pillars one and two. Kazakhstan, Ethiopia, Bolivia, Italy, Ukraine and Senegal also call on pillars one and two yet do not, like the member states mentioned before, categorize the conflict as one of the four triggers of R2P. Last, Japan, China and Russia refrain from referring to R2P overall. They do support humanitarian aid but this does not relate to R2P specifically. The following chapter answers this thesis' main research question and positions the crisis in Myanmar on Morris' swinging pendulum of the norm of R2P. After, recommendations are made for future research and the thesis is concluded.

## Chapter 6 Conclusion

The previous chapter analysed the context in which member states made discursive choices during UNSC meetings 8060 and 8133 on the crisis in Myanmar. This analysis uncovered the regimes of truth member states functioned within at that time, showing how R2P did or did not play a role in their discourse. It concluded that three states called on all three pillars of R2P, ten called on pillars one and two and four states did not call on any pillar at all in the Myanmar crisis. This chapter summarises the preceding chapters and explores the findings of the analysis within the theory of the swinging pendulum of R2P by Morris, hereby answering the main research question. Next, the scope and findings are positioned within the larger debate on humanitarian intervention and suggestions for further research are done. Last, a final conclusion is provided.

This thesis adds to the literature on humanitarian intervention and the norm of R2P by exploring the case study of Myanmar within the theoretical framework developed by Justin Morris. As the literature review highlights, individual crises greatly influence the norm of R2P and its normative value, and it is important to add research on the Rohingya crisis in Myanmar to create a comprehensive understanding of the development of the norm. In order to research this, the following research question was posed: what does the non-intervention in the Rohingya crisis in Myanmar reveal about the development of the norm of the Responsibility to protect?

To study the development of the norm of R2P, a DTA was conducted of two UNSC meeting records. Discursive choices within the UNSC are important in portraying what states perceive the boundaries of a norm to be, explaining why discourse analysis was the prime method in exploring this. The analytical chapters included a descriptive and discourse-theoretical reading of the two meeting records, in which member states were divided into groups and their regimes of truth explored. 13 out of 17 states referred to both pillars one and two of R2P in their statements, whereas the other four refrained from calling on UNSC support or interference.

Therefore, it can be concluded that the non-intervention in the Rohingya crisis in Myanmar shows us pillars one and two of R2P are widely accepted, whereas pillar three is not seen as a viable option by most. Positioning the Rohingya crisis on Morris' swinging



pendulum, the norm is not yet at a point of internalization yet is also not at a point in which P5 member states explicitly spoke out against or refused use of R2P. The Rohingya crisis can be positioned between Libya and Syria on the pendulum, at a point where R2P has taken a central stage in the discussion surrounding humanitarian intervention and in providing support for the government involved, yet pillar three concerning the role of the international community remains controversial. When five member states of the UNSC categorized the crisis as a trigger of R2P, it should have generated an automatic response within the R2P mechanism to ensure protection of the Rohingya citizens of Myanmar. However, this did not happen.

The member states' discursive choices surrounding R2P come from their regimes of truth, in which domestic, regional and international contexts influence discursive constraints. Chapter five showed how this context is key to the member states' positions, and how a change of context can go hand in hand with a change in discourse, for example in the case of Senegal. However, it is important to emphasize that these normative constraints are always a subjective interpretation of each individual member state. The perception of (normative) context is what makes a member state act a certain way, which does not always have to match the reality of the situation.

In the case of R2P in the Rohingya crisis in Myanmar, 13 out of 17 member states perceived the context of the crisis to be one in which they had to protect citizens by calling on pillars one and two of the norm of R2P. They did not always explicitly mention R2P, yet the duty of a government to protect its own citizens and the duty of the international community to assist a struggling government were central to their statements. The remaining four functioned with different regimes of truth, refraining from calling on the norm at all and perceiving the context to be one in which sovereignty had to be protected.

To further explore and develop the findings of this thesis, research should be done on this important interaction between the norm of R2P, discourse and context. Positioning other crises on Morris' swinging pendulum of the norm of R2P could show if the norm is indeed moving towards where it was with Libya, if it's moving backwards, or even back and forth. Further research should also investigate what would move the norm towards the invoking of R2P's pillar three, if anything. How do religious solidarity, physical proximity, geopolitical interests, and domestic concerns influence discursive choices surrounding humanitarian

intervention? Would the situation perhaps have been different in Myanmar if the Rohingya were a Christian minority, or on a different continent? Researching these aspects of R2P is important as the norm of humanitarian intervention has the potential to save lives if used at the right time in the right way.

In conclusion, this thesis positioned the Rohingya crisis on Morris' swinging pendulum of R2P by analysing discourse in UNSC meetings 8060 and 8133. The analysis shows how pillars one and two were widely accepted in urging Myanmar to take responsibility and the international community to support the Rohingya's, yet pillar three was not called upon despite mentioning of the triggers of R2P. Moreover, the discourse-theoretical reading of chapter five uncovered that member states' perceptions of the normative contexts they function in influence their decision making surrounding R2P.

Despite warnings in UNSC meetings 8060 and 8133 and calls on pillars one and two, the Rohingya crisis was eventually categorized as genocide by US officials in 2021 and has continued to cause victims to this day. Further research on how to better aid vulnerable populations through the use of R2P is necessary, as it has the potential to protect populations like the Rohingya and many others around the world.

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