

The United Nations, NGOs, and Human Rights During the Rohingya Ethnic Cleansing

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Intergovernmental organizations (IGOs) and non-governmental organizations (NGOs) both play important roles in protecting human rights through different strategies and established mechanisms of protection. This thesis engages ongoing debates about the strengths and weaknesses of IGOs and NGOs by analyzing the actions of the United Nations (UN) and Amnesty International in the context of the Rohingya ethnic cleansing. The attempts of both the UN and Amnesty International failed in the selected case, which reinforces certain claims established by the existing literature while calling others into question. There are various lessons to be learned from this case regarding the complementary relationship between NGOs and IGOs, the failures of existing mechanisms of protection, and potential improvements to these mechanisms.

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Acknowledgment

To my grandmother, who crossed countries on foot searching for a better life. To my mother, who left everything she knew and worked tirelessly to give me a better future.

Following the atrocities committed by the Nazis in Germany and the Japanese military in the Pacific theater of World War II, it was clear that human rights had to be protected in the newly founded United Nations (UN). The world came together under the promise "Never Again." But in the eighty years since its founding, the United Nations has failed to uphold this promise and watched as "Never Again" become "Once Again." Despite the extensive international system of human rights protection, human rights violations and crimes against humanity have occurred while the international community scrambled to respond to the situation. This paper analyzes the two main actors of the international system of human rights protection, intergovernmental organizations (IGOs) such as the UN and non-governmental organizations (NGOs) such as Amnesty International, in the context of the Rohingya ethnic cleansing. Careful analysis of the dynamics within relevant organizations and actors involved attempts to answer the question: to what extent are mechanisms used by NGOs and IGOs effective at protecting human rights? While the international community failed to prevent and end the Rohingya ethnic cleansing, there are still important lessons that can be learned from the mistakes made in this case.

The literature discussing human rights and their protection mechanisms is divided between two camps: the UN's mechanisms of protection and the role of NGOs in the international system. Both sets of actors receive valid criticism, but there are strengths and potential improvements. An analysis of the UN and Amnesty International's responses to the Rohingya ethnic cleansing reinforces some claims made by the literature and questions others. This case concludes that there are several issues in existing mechanisms of protection: the issue of sovereignty, internal politics of the Security Council, competing interests of UN teams on the ground, and disagreements on how to enforce international human rights law.

The role of transnational advocacy networks is explored to a limited degree, though there is potential for them to become a much larger actor within NGO mechanisms of protection.

Literature Review

This paper attempts to analyze the mechanisms used by nongovernmental organizations (NGOs) and their effectiveness in protecting human rights. Existing literature on protection of human rights focuses on two primary bodies; the United Nations (UN) and human rights NGOs. Questions of enforcement and what rights constitute as human rights are also addressed in the existing field of knowledge. UN-centric frameworks focus on mechanisms of enforcement, prevention, cooperation between UN agencies, and recommendations to improve the available mechanisms and agencies. Critics of this framework often call into question the effectiveness of the UN's protection mechanisms, often doing so in relation to cases of human rights violations that weren't properly addressed by the UN due to political motivations of Member States. NGO-centric frameworks are divided into two subcategories: relations with intergovernmental organizations (IGOs) like the UN and transnational advocacy networks. NGOs have widely been regarded as complementary bodies to the UN, being more effective than the UN in certain tasks and mechanisms of protection and vice versa. However these relationships are often criticized as being ineffective and harmful to those they're trying to protect, especially during times of crises. Transnational advocacy networks are regarded as a solution to the issues and conflicts that arise from relationships between NGOs, INGOs, and IGOs because they rely on all three bodies across borders. These networks are value based and not motivated by political interests, mobilizing people across borders for a common cause with significant success.

The UN Framework

Before discussing the literature involved for this paper, it's important to establish what it meant when talking about human rights. International human rights law (IHRL) and international humanitarian law (IHL) are often used interchangeably, but they are not the same and address different sets of rights and protections. IHL was the primary set of laws followed before the adoption of the Geneva

Convention, designed to regulate state conduct during international conflicts (Hill-Cawthorne, 2015). However this set of laws left a significant gap in human rights protection due to its limited applicability; it proved ineffective during cases of intrastate conflict because very few of the laws in the humanitarian framework applied to these instances of violence (Hill-Cawthorne, 2015, p. 296). IHRL was designed to address the gap left by IHL, specifically dealing with issues of human rights in intrastate conflicts and affairs. Despite the establishment of human rights law, debates regarding how IHRL could be effectively enforced had to grapple with state sovereignty and its vital role in the international system. Both systems have accountability worked into them, but keeping them separate becomes difficult in instances of intrastate terrorist conflict, which is why some scholars believe there should be more cooperation between the two systems of law (Watkin, 2004). Magnarella & Magnarella (1995) argue that the universality of certain human rights trump a state's right to autonomy. These universal rights, as established by IHRL, create "universal jurisdiction" (Magnarella & Magnarella, 1995, p. 160), which allows all states to prosecute violators of IHRL regardless of their nationality or where the violations took place. However, because of such a broad hypothetical enforcement, the list of universal human rights that can be prosecuted is small, and likely limited to genocide, ethnic cleansing, and other crimes against humanity. While these are important matters of human rights, Magnarella & Magnarella's definition is far too broad for the purposes of this paper. With all this in mind, this paper will adhere to Hill-Cawthorne's definition of human rights, meaning basic human rights agreed upon by signatories to international human rights treaties.

IGOs like the UN have much broader mechanisms of protection in place than NGOs and INGOs. Human rights are central to UN Peacekeeping missions, and there are various policies in place to protect civilians and uphold human rights.

In their recommendations, Di Razza & Sherman (2020) note the Human Rights Due Diligence Policy and the Policy on Human Rights Screening of UN Personnel, two policies designed to ensure all UN peacekeeping personnel understand and uphold human rights policies and that UN resources aren't used by non-state actors to commit grave human rights violations. Despite these efforts, the current system "mainly focuses on screening out perpetrators through formal policies and processes" (Di Razza & Sherman, 2020, p. 4) instead of hiring candidates who show a commitment to upholding human rights during peacekeeping missions. In fact, most recommendations made to improve mechanisms of protection are directed at the UN and its subsidiary bodies, such as the Office of the High Commissioner for Human Rights or UN Peacekeepers. Some of these recommendations focus on enhancing the roles of existing human rights bodies and mechanisms (Commission, 2016). One recommendation in particular stands out; the recommendation that the Security Council veto power be limited when human rights violations are being discussed by the committee. This recommendation is completely unrealistic; undoubtedly it would greatly improve the UN's ability to address human rights violations but the Permanent 5 (P5) members will not be willing to give up this power. This is one of the central criticisms brought up against the UN's protection mechanisms and their effectiveness; it is highly political.

While the UN has contributed to protecting and upholding human rights, critics argue that, at the end of the day, the UN is made by governments for governments and that political or monetary interests will win out in the end. Hannum (2006) and Metcalfe-Hough (2020) argue that there are significant gaps between the UN's work and the work that needs to be happening on the ground; conflicts between different UN agencies and the importance of geopolitics within the UN system have been identified as some of the main factors hindering efforts to protect human rights. The Security Council's veto power in particular has been identified as problematic and even enabling increasingly grave human rights abuses (Commission, 2016, p. 94). Interagency conflicts, as described by Hannum, hinders progress towards human rights protection because different agencies give different levels of attention to the same issue depending on the focus of their agency.

This creates gaps in existing mechanisms that inhibit the UN's protection work. The highly political nature of certain UN bodies that are directly involved in human rights makes any human rights violation subject to geopolitics and exercises of influence on behalf of Member States. At the end of the day, critics posit, the UN is a body made by and for governments, which make it ideal for setting norms on international behavior but its political nature renders it significantly ineffective at monitoring and enforcing state behavior (Thakur, 1994). It is clear that significant gaps exist in the UN's mechanisms, which are brought about by its political nature and primary goal of promoting cooperation among Member States. It is here that NGOs and INGOs enter the scope of this paper to address these gaps.

The NGO Framework

Relations with IGOs

Existing literature has already identified a complementary relationship between NGOs and IGOs. Where IGOs are lacking, NGOs are stronger and vice versa. Thakur (1994) identifies three important aspects of human rights protection: standard setting and norm generation, monitoring and verification, and compliance and enforcement. In a case study comparing Amnesty International and the UN, he found that the two directly complemented each other in these three aspects; "...AI has managed to maintain a scrupulous neutrality with respect to international ideological conflicts...The United Nations has been harnessed to the cause of serving state interests and has become a creature of member governments" (Thakur, 1994, p. 149). NGOs play an important role in Thakur's three aspects, but also in contributing to the drafting process of international human rights treaties. During the drafting process of the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict (OP-CRC), NGOs were expressly given authority to formulate and enforce compliance with the Protocol (Breen, 2003).

Their work proved to be invaluable to the drafting process, "especially with their provision of additional information to that of states parties reports" (Breen, 2003, p. 459). Both Thakur and Breen agree that the neutrality and independence of NGOs make them vital to existing mechanisms of human rights protection. Despite their emphasis on two distinct but equally important roles, there is no debate about the complementary role NGOs play with IGOs.

The neutrality of NGOs is also another valuable aspect of their work in the human rights field. Neutrality and impartiality are core tenets of NGOs (referred to as "the core tenets" in this paper) and their missions; they are there to provide aid to anyone who needs it regardless of what side of a conflict they are in. These ideals have been called into question in recent debates but nonetheless continue to drive much of the work of NGOs. Scholars have argued that this neutrality makes them essential in monitoring and protection efforts (Savelsberg, 2015; Weissbrodt, 1987); because NGOs are not affiliated with any government, regardless of occasional partnership with governmental institutions, they still remain independent from governments and their institutions. This independence makes them ideal when attempting to accurately monitor and enforce protection of human rights in situations involving uncooperative or hostile government entities. However, there is some disagreement on one key aspect: the role of the NGO's host government in influencing operations. While NGOs may strive for neutrality, their governments' priorities and other domestic factors must be taken into account when they're trying to influence government policies. Factors like colonial legacies, host government's position, and constituent sensitivities must all be taken into account by leaders of NGOs when trying to pressure their governments to act (Savelsberg, 2015, p. 77-78). The core tenets stand in direct opposition to the stances of governments, who are rarely neutral in matters dealing with human rights. In this sense, Savelsberg argues, they are not really neutral because there are influences from their host governments influencing their decisions and solutions. By contrast, Weissbrodt doesn't see NGOs as actors influenced by domestic factors and instead highlights the value of their impartiality when it comes to human rights. Furthermore, he emphasizes the importance of the core tenets to effective monitoring and protection efforts.

Uncooperative or hostile governments might be less likely to allow UN or foreign government entities to investigate possible human rights violations because they have already taken a side or are seen as intervening in a matter of national sovereignty. NGOs, on the other hand, are simply there to document violations and advocate for more effective protection of human rights. Their neutrality gives them access to the vulnerable populations they're trying to protect and solidifies their role in peace negotiations as neutral intermediaries (Weissbrodt, 1987, p. 300-301).

Smaller sections of the literature focus on the role NGOs play in fostering respect for human rights at a more localized level. In certain cases of conflict or intrastate terror, governments will look for local groups to ally with to further their goals. One example given is the alliance between the U.S's international coalition and the Peshmerga in the Kurdistan Region of Iraq (Institute, 2016). A policy note from the Middle East Research Institute recommended that relevant organizations conduct research that identified gaps in existing policy frameworks to help Peshmerga leadership implement humanitarian principles while fighting ISIS. Human rights organizations and NGOs play a significant role in rights advocacy, making it logical that they could be consulted to ensure local ally groups are aware of human rights and how they can uphold them during conflicts. Establishing respect for human rights during conflict is also important to support the work of human rights commissions in post-conflict peacebuilding situations. Human rights commissions have to determine what needs to be done for peacebuilding and how to use the resources they have at their disposal (INTRODUCTION, 2005). Mandates of human rights commissions are easier to carry out if human rights NGOs have been documenting and advocating for human rights during conflicts. This section of the literature highlights important roles NGOs can play in conflict and post-conflict situations while advocating for more cooperation between transnational human rights actors.

Criticisms of NGOs in the literature raise valid points but still disregard the many successes of NGOs and their missions. One major source of criticism is an increased politicization of humanitarian aid compared to the unconditional aid that characterized NGOs immediately after World War II. Human rights NGOs initially adhered strictly to the core tenets and provided aid to all persons in need of it, raising their work to a higher profile during the Cold War when geopolitical divides affected whether countries were willing to provide aid to certain groups or not (Chandler, 2001). In recent years NGOs have switched to more political and conditional long term aid, characterized by the Do No Harm approach, which entails withdrawing humanitarian aid until certain human rights conditions are met and inherently choosing a "good" side and a "bad" side (MacFarlane, 1999). Another section of the literature criticizes NGO relationships with IGOs as inefficient or even borderline detrimental to their operations (Davies, 2021); some have identified power dynamics between NGOs that hinder more localized approaches to human rights protection while simultaneously criticizing their sensationalist approaches to get more attention from the media (Ferris, 2011).

While some NGOs have become increasingly political in recent years, most have maintained the core tenets even as they switched to long-term development work. Major NGOs with more recognition do have more resources and power than smaller NGOs, but this doesn't necessarily hinder collaborative efforts to address human rights at an international or local level. A solution proposed by scholars to these criticisms, primarily the criticisms identifying power dynamics between NGOs and with IGOs, is the formation of transnational advocacy networks.

Transnational Advocacy Networks

Transnational advocacy networks are defined as "networks of activists, distinguishable largely by the centrality of principled ideas or values in motivating their formation" (Keck & Sikkink, 1998, p. 1). These networks connect NGOs, INGOs, civil society organizations, states, activists, individuals, and IGOs through a shared goal or value they're working to achieve. One case Keck and Sikkink present of the successes of transnational advocacy networks is that of Argentina during the military dictatorship in the 70s and 80s.

The regime's practice of 'disappearances' was an attempt to reduce pressure from international human rights groups, which was the case in Chile, where political opponents were executed publicly. The strategy worked at first, but groups of political exiles and NGOs eventually documented the practice as a form of repression. These reports led to reduced military and economic aid from the United States, France, Italy, and Sweden. This reduced aid, plus the continuous reports from domestic human rights NGOs, activists, and their contacts abroad, formed a transnational network that advocated for the return of the 'disappeared' and respect for human rights. This advocacy work successfully led to a reduction in disappearances and improved respect for human rights in the country. During the trials of top military officials, evidence and testimony of members of the human rights network were critical to establishing their guilt.

These networks have been known to successfully mobilize to pressure and persuade more powerful actors and organizations. This work is supported by human rights workers, whose work is increasingly influencing policy work on humanitarian and human rights response (Leaning, 2003). NGOs' monitoring capacities have improved thanks to the inclusion of human rights workers in their investigations and advocacy work. These individual activists also form a part of transnational advocacy networks and have mobilized to create behavioral standards that protect civilians in war. Arguably, these networks are a departure from the complementary relationship between IGOs and NGOs because they enable NGOs to also set norms and standards for international behavior. Conversely, their work to set international norms and standards might be successful only if IGOs reinforce the standards they're trying to establish. Studies attempting to examine whether ratification of human rights treaties improves respect for human rights have found that, while it isn't quite as straightforward as one would

assume, the presence of NGOs and transnational advocacy networks affects the level of respect for human rights treaties (Neumayer, 2005). This reinforces the idea that transnational advocacy networks play an important role in mechanisms of protection, particularly for NGOs. The establishment of grassroots cooperation addresses the literature's concern about power dynamics between different actors of the international system. Based on the findings of the literature, it could afford NGOs a limited enforcement mechanism. As seen in Keck and Sikkink's example of transnational advocacy in Argentina, the Argentine government was held accountable for its human rights violations thanks to the work done by relevant transnational advocacy networks. Their work make the otherwise limited impact NGOs can have on human rights protection more tangible and thus merits being analyzed further by future research on the subject.

Methodology

The question guiding this paper is: to what extent are mechanisms used by NGOs and IGOs effective at protecting human rights? Scholars have already established the complementary relationship between the two and their individual functions, but their effectiveness is more difficult to measure and compare. A full measure and comparison of effectiveness between NGOs and IGOs is outside the scope of this paper, therefore a more limited and focused approach must be taken. To properly conduct this study, this paper will identify one NGO and IGO to focus on their mechanisms of protection in relation to a specific case.

First, a case must be selected to study. The ideal case for the purposes of this paper would be one that deals with war crimes in a specific conflict or post-conflict situation. War crimes as the specific issue are ideal because they are violations of human rights that must be upheld through various internationally recognized treaties, such as the Universal Declaration of Human Rights. The case would, ideally, be a recent conflict but not so recent that there have been no advocacy efforts or changes in the situation. With this in mind, the ideal case for the purposes of this paper would be the expulsion of the Rohingya minority from Rakhine State, Myanmar. This case, aside from meeting all the established requirements for an ideal case,

highlights the limitations and advantages of NGOs and IGOs that scholars have already identified. Analyzing how the selected IGO and NGO responded to the human rights violations in Rakhine State tests their protection mechanisms to find what the mistakes they made reveal about their weaknesses.

The selected IGO for this case is the United Nations. It has universal membership and all universally accepted human rights treaties come from this organization. One of its primary responsibilities is to uphold human rights through its various agencies, protection mechanisms, and by upholding universal international laws. This makes the UN the ideal IGO to analyze for this study. The selected NGO in this case is Amnesty International because despite its broad subject area, it devotes resources and advocacy to specific topics of human rights, including war crimes. It also works with affected populations on the ground and other NGOs to be thorough in its advocacy. Including Amnesty in this study also allows testing of existing assumptions of the literature through the selected case.

With these specific agencies and cases selected, this study will analyze the responses of the UN and Amnesty International to the violence against the Rohingya in the Rakhine State. What protection mechanisms were used to respond to war crimes in this case? What advocacy strategies were used by Amnesty and other transnational advocacy networks, if they formed? What do the failures of these strategies in this case reveal about existing mechanisms of protection of IGOs and NGOs? These are some of the questions that will guide the rest of this paper's analysis, which will be separated into two parts: the United Nations' response and Amnesty International's response.

Analysis

United Nations' Response

"Can there be a genocidal intent on the part of a state that actively investigates, prosecutes and punishes soldiers and officers who are accused of wrongdoing?" –Aung San Suu Kyi to the International Court of Justice

The main actors involved in the United Nations' response to the ethnic cleansing on the international level were the International Independent Fact-Finding Mission on Myanmar, the United Nations Country Team in Myanmar (UNCTM), and the Security Council. On the national level, it was Burmese leader Aung San Suu Kyi and the Burmese military junta, also known as the Tatmadaw. Dynamics between these actors and the politics within the UN Country Team and the Security Council will be tied back to the existing literature on the subject to reveal why the UN's response to the crisis was unsuccessful.

When reports of alleged human rights violations against the Rohingya were brought to the attention of the UN, various organizations and subsidiary bodies started to document and try to respond to the crisis. In March of 2017, the Human Rights Council established the Independent International Fact-Finding Mission on Myanmar to investigate accusations of crimes against humanity perpetrated by the Burmese government and military against the Rohingya between 2011 and 2017. However, Myanmar refused access to the Mission's human rights investigators and withdrew cooperation with UN Special Rapporteur Yanghee Lee. Lee expressed concern about this non-cooperation and denial of access, saying, "This declaration of non-cooperation can only be viewed as a strong indication that there must be something terribly awful happening in Rakhine, as well as in the rest of the country" (UN Rights Expert 'Disappointed' by Myanmar's Decision to Refuse Visit | UN News, 2017). Myanmar's rightful claim to sovereignty over its internal matters and its subsequent refusal to cooperate with the relevant UN agencies becomes the UN's greatest obstacle to an effective response; the Fact-Finding Mission and the Special Rapporteur could not complete their mandates without cooperation from the host government.

The UN agencies involved in humanitarian and human rights work in Myanmar couldn't force Burmese authorities to cooperate with the Mission or the Special Rapporteur because they didn't have the power to do so. This founding principle of sovereignty, which brought all the Member States of the UN together, is also a significant obstacle to concrete human rights protection from the UN.

The establishment of human rights documents like the Universal Declaration of Human Rights (1948) and subsequent conventions addressing torture, gender and racial discrimination, and the rights of children have created international standards for human rights that all Member States are expected to work towards and maintain. However, they're only standards and norms of international behavior, which the UN has no way of enforcing. At the end of the day, the United Nations needs the full cooperation and approval of Member States to operate within their borders and act on whatever situation is occurring, such as the Rohingya crisis. As earlier literature points out, the strongest role IGOs play is generating norms of acceptable state behavior but lack the power to enforce international norms. This lack of enforcement power has been the subject of much debate and recommendation, but said recommendations would likely not improve the UN's current ability to protect human rights because of the issue of sovereignty. Myanmar's lack of cooperation with the UN was a significant factor in the UN's failure to respond to the crisis, and it was within Myanmar's right to refuse to cooperate with UN authorities. Respecting sovereignty from intervention in internal affairs is one of the key pillars of the international system and the UN, but it's a significant obstacle to human rights protection. As was seen in this case, the international community was unable to intervene during an ethnic cleansing because it was an internal affair and protected by Myanmar's sovereignty.

It's here that the debates about the legal aspect of human rights protection disagree. Do human rights and the responsibility to protect trump sovereignty? What should the standard be for justifying violations of sovereignty for the sake of protecting human rights? While sovereignty was a significant obstacle in this case, it wasn't the only one.

Later investigations about what went wrong during the crisis revealed that the goals of UNCTM leadership and UNCTM staff were completely different. Staff and local aid workers reported that in the years leading up to the crisis, the head of the UNCTM took significant action to push aside the issue of the Rohingya, including isolating staff who tried to advocate for the Rohingya or warn more people that tensions in the country could lead to an ethnic cleansing (UN Failures on Rohingya Revealed, 2017). Those who continued to insist on holding such discussions, such as the head of the UN Office for the Coordination of Humanitarian Assistance (UNOCHA), were excluded from meetings, humiliated, or not allowed to travel within the country to complete their work. It was made clear to the UNCTM staff that any mention of the Rohingya in conversations and meetings with Burmese officials was out of the question. The UNCTM had to take into account the host government's position on the issue when trying to complete their work. The literature made this observation about NGOs rather than IGOs, but this specific case calls into question this observation. Unlike the initial findings of the literature, the NGO Amnesty International didn't have to take into consideration the Burmese government's position on the Rohingya crisis when carrying out their work, but the agency of the IGO UNCTM did. It's possible that this is because the UNCTM functions more like an NGO than an IGO; it's an agency of the IGO, but it isn't the IGO itself so it requires cooperation from the host government to carry out its work. The exclusion of UNOCHA from UNCTM meetings gives credence to existing literature's claims about interagency conflicts hindering human rights protection, but the dynamics within the UNCTM team point to similar vulnerabilities within individual agencies. UNCTM leadership adhered to the Burmese government's position on the Rohingya while the staff and aid workers tried to raise the alarm about the impending crisis.

These different goals created an internal conflict that hindered efforts to address the crisis before it escalated to the levels of violence seen in 2017. Had UNCTM staff been allowed to bring their concerns to the attention of the UN as a whole, it's possible the situation could have been brought to light much earlier. But if the UNCTM staff had succeeded in this task, the real power to compel Myanmar and its leadership to address the ethnic cleansing would've become the responsibility of the Security Council.

The only UN body that had the authority to take more concrete steps was the Security Council but there was no such action from this body. The Security Council was briefed on the situation in September of 2017, right at the outset of the crisis but only released a press statement on the situation. The sentiments expressed by the P5 during the briefing reveal clear divisions regarding the issue. The United States, United Kingdom, and France all accepted the label ethnic cleansing, even if they didn't outright use the word, and condemned Myanmar's actions; meanwhile China and Russia refrained from condemning Myanmar's actions or using any language that would refer to the situation on the ground as ethnic cleansing, going as far as to warn the international community to take more care when labeling something as ethnic cleansing (Security Council Must Demand Swift End to Atrocities in Rakhine State, Says Special Representative, Stressing 'Inaction Is Not an Option' | Meetings Coverage and Press Releases, n.d.)

The Security Council's main political division, the P5, played a significant role in why the Security Council didn't act. The P5 are always divided between the western bloc of the U.S, the U.K, and France, and the eastern bloc of China and Russia. China and Russia usually vote together, but in this case they both have very close relationships with the government of Myanmar, guaranteeing their protection from Security Council action.

As seen in this case, the two countries refrained from labeling the situation as ethnic cleansing, pushing back against the western bloc's application of the label. Any presidential statement or binding resolution the Council considered likely would've included the ethnic cleansing label and thus would've faced significant push back or threats of a veto from China and Russia. Had they not done so, their relationship with Myanmar might have deteriorated for failing to back the Burmese government. A Chapter 6 authorization, which might have prevented further violence and allowed Rohingya refugees to safely return to Northern Rakhine, was entirely off the table; the eastern bloc of the Council would have never approved it and Myanmar wouldn't cooperate with it. Furthermore, the intervention would've been long term given the level of tension between the groups involved, adding to the reasons why the Council wouldn't take such a drastic decision. The internal dynamics of the Security Council highlight the highly political nature of the UN and how human rights action is subject to geopolitics. The Security Council division isn't just geographical but also political. The P5 use their veto power to provide political cover for allies and prevent Security Council action that doesn't align with their political stance; in a similar case, the Darfur Crisis in the early 2000s, China used its veto power to block Security Council sanctions against the Sudanese government (China-Sudan Trade Relations Complicate Darfur Crisis, 2006) to protect the economic relationship with Sudan by providing political cover for the human rights abuses taking place. During the Rohingya ethnic cleansing, China and Russia used their influence to provide political cover for Myanmar, preventing Security Council action despite substantial evidence of crimes against humanity during the crisis and in the years that followed. Some scholars have recommended limitations on the Security Council veto in cases dealing with crimes against humanity or human rights violations. While a limitation of that kind would undeniably improve the UN's ability to protect human rights, the P5 would never deny themselves the power of the veto under any circumstances. As this case study points out, the P5 oftentimes use their veto power to provide political cover for their allies. The protection of a P5 from a UN investigation can be a powerful motivator for allyship and cooperation,

a sort of quid pro quo agreement: one protects the other from the Security Council and the UN while the other provides some kind of support in exchange.

Efforts to address the situation were made even more difficult by Aung San Suu Kyi's continual denial of any crimes against humanity being perpetrated by the Tatmadaw. Aung San Suu Kyi, a Nobel laureate, gained international support and acclaim for her continuous efforts to bring democratic reform to Myanmar. Despite reforms to the Constitution that brought some democratization to the country ("How the Military Still Controls Myanmar, Not Aung San Suu Kyi," 2017), the Tatmadaw still held significant power in the country. For Aung San Suu Kyi, it meant that she still had to be mindful of the Tatmadaw's significant power and influence within Burmese politics and society. The UNCTM staff had already reported that ethnic tensions within the country and dehumanization of the Rohingya was commonplace; this, coupled with the significant power the Tatmadaw still had in the country meant that if Aung San Suu Kyi intervened in defense of the Rohingya it was very likely she would be arrested and removed from power by the Tatmadaw. If she provided them political cover, she could then remain in power. Because of the partial democratization of Myanmar at the time, she was also subject to the elections of her people, the same people who viewed the Rohingya through a dehumanizing lens. She had to satisfy the Burmese people and the Tatmadaw if she wanted to stay in power, and that meant not intervening in defense of the Rohingya despite international outrage and pressure. She was aware of the close relationship between her country, China, and Russia; logically, she would ensure China and Russia provided political cover for her in the Security Council just as she'd been providing the Tatmadaw political cover in Myanmar.

The Independent International Fact-Finding Mission's report, published in 2018, found "that there are reasonable grounds to conclude that a crime under international law has been committed"

(Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar, 2018, p. 353). The findings of this report, which were compiled through satellite imagery, interviews with Rohingya refugees outside of Myanmar, and with the help of various NGOs, was used by The Gambia in its 2019 case against Myanmar (Aung San Suu Kyi Defends Myanmar from Accusations of Genocide, at Top UN Court | UN News, 2019; Myanmar, 2018). The arguments brought by Suu Kyi and The Gambia highlight the clash between human rights protection and the UN's foundational principle of sovereignty. Suu Kyi argued that if any crimes had been committed, the perpetrators would be prosecuted under Myanmar's legal system, not the International Court of Justice (ICJ) or International Criminal Court; in its filing of the case against Myanmar, The Gambia cited universal jurisdiction. The issue of sovereignty, used by Aung San Suu Kyi and the Burmese military government to keep UN staff out of Rakhine and Myanmar, was central to Myanmar's defense during the ICJ case; The Gambia claimed it could bring Myanmar to court for the ethnic cleansing because crimes against humanity provided universal jurisdiction. Suu Kyi's argument that perpetrators of crimes against humanity in Rakhine would be prosecuted by Myanmar's military was another form of political cover for the Tatmadaw; the military handled its internal affairs without any civilian oversight so there was no way for Suu Kyi to guarantee these trials would even take place, or that any of the recommendations issued in the Fact-Finding Mission's Detailed Report would be implemented. Myanmar's constant claims to sovereignty, political divides in the Security Council, and relations between agencies and individual actors are the primary reasons the UN's response failed in this case. Without cooperation from Member States, the UN's human rights protection mechanisms can't effectively stop crises such as this one. It becomes limited to documenting, which also faces challenges when host countries are hostile or uncooperative, and providing humanitarian assistance while trying to maintain international behavior norms. Fierce protection of sovereignty coupled with the political divides of the Security Council makes it increasingly difficult for the UN to respond effectively to human rights situations once they've begun. Interagency clashes and conflicts of interest between UN agency staff and leadership only deepen these issues.

The most effective recommendations that could be made to ensure UN protection of human rights improves is subject to the interests and political divides of Member States, and this case clearly demonstrates sovereignty against UN intervention is of utmost importance to Member States and will continue to hinder human rights protection.

Amnesty International's Response

“Myanmar’s security forces have brutally meted out revenge on the entire Rohingya population of Northern Rakhine State, in an apparent effort to drive them out of the country. Exposing these heinous crimes is the first step on the long road to justice.”
–Tirana Hassan, Crisis Response Director, Amnesty International

Amnesty International's response to the ethnic cleansing has been to consistently call for action from the international community, specifically the Security Council. This section of the study will focus on comparing Amnesty's response to the ethnic conflict to the observations made by the existing literature about NGOs to find any discrepancies or consistencies. Transnational advocacy networks will also be discussed in the context of Amnesty's response, not only to identify discrepancies and consistencies but to find a possible explanation for why these efforts were also unsuccessful.

Before the 2017 ethnic cleansing, Amnesty International had already conducted investigations and published reports on the situation of the Rohingya. As early as March of 2017, Amnesty International delegates were allowed into Myanmar to investigate the Tatmadaw's crimes before the ethnic cleansing. This reinforces the complementary relationship between IGOs and NGOs established in the literature, making it a significant aspect of human rights protection mechanisms.

As a quick note, this paper can't test the literature's claims of conditional aid as leverage for improved human rights protection because Amnesty isn't an aid-based NGO; it's an advocacy-based NGO.

The selected case wouldn't allow for this either way because the aid given in the ethnic cleansing was given to refugees in Cox's Bazar, which was outside of Myanmar's jurisdiction; it wouldn't make any sense for aid-based NGOs to threaten to withhold aid in exchange for improved protections for the Rohingya.

The formation of transnational advocacy networks has been proposed by scholars as a solution to criticisms and weaknesses of NGOs. Their greatest strength is their ability to pressure and persuade more powerful actors to act through strategic mobilization. Because they're value-based, they connected small and large NGOs under a common value or goal they're working towards, regardless of the different resources or strengths they might have. Despite the potential these networks have for fostering human rights protection, there was no transnational advocacy network formed on the issue of the Rohingyas. A Rohingya advocacy group filed a complaint in an Argentine court, which resulted in arrest warrants for Aung San Suu Kyi, ex-president Htin Kyaw, and Tatmadaw leader Min Aung Hlaing (Argentine Court Issues Warrants for Myanmar Officials Accused of Rohingya “Genocide,” 2025) ; this ruling was supported by the Burmese Rohingya Organization UK, but it's unclear whether this is an attempt to create some accountability through the establishment of a transnational advocacy network. Various organizations focus on the issue of the Rohingya, such as the Rohingya Human Rights Initiative, the Arakan Rohingya Organization, and the Free Rohingya Coalition, but these organizations don't appear to be working together to pressure the international community and the Myanmar government to act. They all appear to be taking different approaches to the issue of justice for the Rohingya, with no connection between them. The competing strategies of these organizations might explain why they haven't formed a transnational advocacy network and raises a potential criticism of transnational advocacy networks; if the NGOs and activists working on the issue can't agree on a collaborative strategy to achieve what they want, are they less likely to want to combine their efforts to form a transnational advocacy network? Are there other explanations for why an issue with a variety of NGOs and activists doesn't prompt them to form a transnational advocacy network despite the advantages it provides?

Answering these questions requires a longer and different study, one that is outside the scope of this thesis.

Conclusion

This thesis reaches some conclusions that might be considered controversial or erroneous by more experienced and knowledgeable scholars of the field of international relations. It's important to note that this study was extremely limited, and thus the conclusions drawn here do not apply to all cases. What this study served to do was test the assumptions of the established literature through a case study in which the main human rights actors failed to protect human rights. Significant biases had to be mitigated on behalf of the author, who has very strong opinions as to what should be done to better protect human rights. Nonetheless, the study was conducted in an objective manner that sought to weigh all the available evidence and literature equally to answer the research question as best as possible.

With all the evidence and analysis, to what extent are mechanisms used by NGOs and IGOs effective at protecting human rights? These mechanisms of protection don't appear to be very effective on their own and are only slightly more effective when they work collaboratively. Sovereignty, while being the core principle holding the UN and the international system together, poses a significant issue to human rights protection on the UN's behalf. All nations are protected from being invaded or intervened, but should that also apply in cases of well-documented and established crimes against humanity? Sovereignty was an obstacle in this case; is it an obstacle to the international community or did it work exactly as intended? The highly political nature of the Security Council and the P5's veto power subjects human rights protection to political whims and alliances. Is reform even possible at this level of politicization? Conflicting goals within UN agencies and teams can compromise the effectiveness of the response to human rights violations, as different agencies and individuals may have different objectives or plans.

Should human rights be prioritized above all else or not? The complementary relationships between IGOs and NGOs is reinforced by the findings of this study, but this study didn't find either actor more effective at enforcement and compliance. Amnesty's adherence to the core tenets of impartiality and neutrality helped it advocate for all victims in this case, regardless of their ethnicity. This impartiality when investigating all reports of human rights violations was vital to discrediting Myanmar's claims of impartiality and their version of events.

While this study couldn't properly test the role of transnational advocacy networks, which is another limitation of this study, it did identify questions for future research within the field. Future research should consider studying the limitations of transnational advocacy networks. Why don't these networks form in all instances of human rights cases, such as the Rohingya ethnic cleansing? Are these networks less effective in certain circumstances? Questions such as these would serve to close a gap in the existing literature and possibly improve current mechanisms of protection.

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