# A Responsibility to Support Civilian Resistance Movements? Broadening the Scope of Nonviolent Atrocity Prevention

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I n recent years, there has been an upsurge in the number of civilian resistance movements (CRMs) within states to counter government repression and coups d'état.[1] These movements have included both nonviolent and violent resistance, through which civilians often find themselves on the frontlines of state brutality and mass atrocities. This article considers the implications of CRMs for atrocity prevention, and the associated responsibility to protect (RtoP) norm.

The field of atrocity prevention—defined as implementing strategies to prevent or halt genocide, war crimes, crimes against humanity, and ethnic cleansing—has developed considerably over the last two decades to promote early warning and response to atrocity situations to minimize the loss of life and humanitarian impact. However, there is no guidance on how to respond to, or assist, CRMs in the context of atrocity situations. Academic and policy focus has remained on the role of states and the international community in persuading or

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incapacitating perpetrators of atrocities, rather than on taking measures to support the people targeted by, and resisting, these atrocities.

This article aims to address this oversight by answering the following question: Should the international community support CRMs as part of its wider commitment to ending mass atrocities? To answer this, we ask a wider set of questions: Are we missing opportunities to prevent atrocities by mainly focusing on the perpetrators? Should the international community expand the existing atrocity prevention frameworks and tool kits to support CRMs? Does the direct support to CRMs constitute legitimate RtoP action?

When referring to CRMs, we consider cases where civilians engage in organized activities to resist forceful repression and coups. For analytical purposes, we include civilian groups that employ both nonviolent and violent strategies. Scholarship on CRMs often equates civilian resistance with nonviolent resistance or strategic nonviolence, as purposive strategies to induce political change without the use of force, using protests, strikes, boycotts, and demonstrations.[2] In contrast, the literature describes civilians who take up arms and resist through organized force as "rebels," "militia," or "non-state armed groups."[3] We agree with authoritative literature in the field, which considers both choices to be strategic.[4] However, we also acknowledge that in many instances, CRMs that begin as nonviolent may turn to violence over time, or fragment into violent and nonviolent factions as the situation on the ground evolves. In this case, making such a clear distinction between these groups does not capture the full reality on the ground. Many CRMs will indeed use at least some violent means not only to achieve their political goals (such as removing an autocratic leader from power or resisting an illegitimate government)[5] but also for self-protection.[6] Therefore, our discussion of CRMs includes both groups in order to evaluate the modes of support that the international community could consider to advance atrocity prevention objectives in different contexts.

In this article, we are concerned with cases where ordinary citizens either resist repression by the ruling regime or resist a coup. Instances of resistance to a foreign invasion are beyond the scope of this article because, in this case, any potential external third-party support is given to a legitimate government fighting a foreign invader. Even though civilians might be involved, the state's government and military have authority to respond to the invasion and the associated atrocities. Ukraine is a good example of this since the support provided by the international community is not going to CRMs but to Volodymyr Zelenskyy's government, which, in turn, coordinates the resistance.

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To answer the question of whether the international community should support CRMs as part of its wider commitment to ending mass atrocities and, in the process, contribute to the conceptual and operational gaps within the current atrocity prevention frameworks, we assess potential avenues for supporting CRMs and propose concrete areas for advancing and withholding different types of assistance. We divide them into two categories: (1) military support, through the provision of both military equipment and weapons for lethal force and of nonlethal support; (2) and nonmilitary assistance.

We contend that in most cases providing lethal military support is undesirable because it is likely to cause more harm than good; as a result, it should not be routinely added to the repertoire of available atrocity prevention strategies. We argue, however, that nonlethal military assistance and nonmilitary support for CRMs can be used as atrocity prevention tools and outline three pathways under which this nonmilitary support can be undertaken: political recognition, technical assistance, and accountability. We demonstrate the efficacy of our argument through the example of Myanmar. The case of Myanmar offers insight because it encompasses instances of both repression (the Tatmadaw has been committing atrocities against civilians for decades) and a coup (the Tatmadaw orchestrated a coup in February 2021 that triggered a new CRM, in addition to the existing ethnic armed organizations [EAOs]).[7]

This article proceeds in four parts. The first section explores the lack of consideration of CRMs and the opportunities they offer for providing atrocity prevention in the atrocity prevention and RtoP literature. The next section investigates the prospect of providing lethal military support to CRMs and argues that such support should not routinely be added to the atrocity prevention tool kit, in contrast to nonlethal military support, which can be warranted. The third section investigates how, and under which conditions, nonmilitary assistance to CRMs can support atrocity prevention. The final section demonstrates these arguments through the case study of Myanmar.

## The Omission of CRMs in the Fields of Atrocity Prevention and RtoP

When it comes to atrocity prevention, as Gareth Evans explains, we know that "internal dynamics are ultimately more likely to prove decisive than even the most robust available external measures."[8] Nevertheless, the international community has access to a range of policy options for responding to atrocities that are imminent or ongoing.[9] These options include tools such as fighting hate speech;

naming and shaming; the suspension of political ties; economic incentives; breaking economic ties; the threat of criminal prosecution (such as a referral to the International Criminal Court [ICC]); targeted sanctions; arms embargoes; no-fly zones; and—in specific circumstances and as a last resort—military interventions. We argue that this atrocity prevention "tool kit" is essential yet partial, given its emphasis on persuading or incapacitating the perpetrators of the atrocities. As a result, it does not provide guidance on how to respond to CRMs in the context of atrocity situations. Further, the literature on RtoP and atrocity prevention has not dealt with this question in a meaningful way.[10] This is surprising since, as a normative principle, RtoP involves a universal commitment to preventing and halting mass atrocities. It should apply to all actors within and across societies, from the local to the international level.

This omission can partly be explained by the fact that, by its very formulation in the 2005 World Summit Outcome document (WSOD),[11] RtoP focuses on the responsibilities of the state and the international community (with the authority of the UN Security Council): Where states hold the "primary" responsibility for protection, RtoP transfers responsibility from the level of individual states "up" to the international community when the state "manifestly fails" to protect its population from mass atrocities. As Edward Luck explains, "The 2005 conception of R2P left no room for agency by those threatened by potential atrocity crimes. Vulnerable populations were treated as objects, not actors. Their fate was to wait for governments and intergovernmental institutions to act on their behalf."[12] Additionally, atrocity prevention is a field dominated by international relations and international law scholars who, due to the nature of their research, tend to focus on the international rather than the local and often lack the necessary country knowledge to study atrocity prevention "from below."[13]

As a result, the RtoP literature, writ large, bypasses the agency of local actors[14] and leads to a lack of serious consideration of CRMs. This is problematic because, as we demonstrate in this article, the international community can still play an important role in preventing and responding to atrocity situations by supporting CRMs targeted by atrocity violence while resisting government repression or a coup. Our discussion now turns to the evaluation of the different pathways available to do so.

## A RESPONSIBILITY TO PROVIDE LETHAL MILITARY SUPPORT? A RESPONSIBILITY TOO FAR

Our analysis begins with a discussion of military support, and, more specifically, the provision to CRMs of lethal military support, understood as military

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equipment and weapons that contain lethal capabilities (nonlethal support is discussed later in the section). Providing such support may appeal to members of the international community since it promotes local agency and recognizes the needs expressed by those who are experiencing violence. Additionally, when compared to the alternative of external military intervention, this option is more cost effective and does not endanger the lives of the contributing state's soldiers, making it much easier to gain domestic support.

The practice of providing lethal military support to nonstate actors is far from unprecedented. Recent examples include the support of CRMs in Libya during the Arab Spring and in Syria during the early stages of the civil war that began in March 2011. As James Pattison notes, older examples include "Soviet and Cuban military support for anti-apartheid forces in South Africa."[15] However, this practice remains understudied in the existing literature[16] and is mainly considered in the context of supporting rebels as an alternative way for states to undertake their foreign policy objectives and confront their enemies.[17]

However, the question we are raising here is different. We are considering whether the provision of lethal military support to CRMs should be added to the existing atrocity prevention tool kit. This "tool" would be located between coercive measures, such as sanctions, and a military intervention. We approach this question from two interconnected angles: ethics and efficacy.

### Ethical Underpinnings of the Provision of Lethal Military Support to CRMs

In a 2001 report on the responsibility to protect, the International Commission on Intervention and State Sovereignty (ICISS) drew on the just war tradition (in particular, *jus ad bellum*)[18] to consider RtoP-informed military interventions.[19] We propose expanding the use of these criteria to consider the desirability and feasibility of providing lethal military support to CRMs with the primary objective of mitigating or halting atrocities through lethal force.

Some criteria, such as last resort, just cause, right intention, and proportionality, are easier to fulfill than others. The requirement of last resort would be met in situations where other peaceful means have been considered but are neither desirable, doable, or sufficient.[20] The just cause criterion requires looking at whether the regime in place is about to—or has begun to—commit atrocities. Similarly, the criterion of right intention would be met when the primary intent of the military support is to prevent or halt atrocities. This criterion does not require that no other considerations are at play, since this would put the bar too high, but rather

that preventing or halting atrocities is the main intent.[21] The criterion of proportionality relates to the scale, duration, and intensity of the military support. The latter would be met if the minimum military support necessary to achieve the human protection objective is used.

In contrast, the criterion of right authority makes advocating in favor of providing lethal military support more challenging, and it is important to distinguish the two main contexts of atrocities we are exploring here—repression and coup—to fully understand why. In the context of repression, as Olivier Corten and Vaios Koutroulis explain, the provision of lethal military support to CRMs would fall under the prohibition of the use of force and as such, "the only way to justify such support would be to prove that it has been positively authorised by the [UN Security] Council."[22] In the 2005 WSOD, the international community agreed "to take collective action, in a timely and decisive manner" when "national authorities are manifestly failing to protect their populations" from atrocity crimes.[23] If such measures can include military intervention, they could, in theory, also involve the provision of lethal military support to CRMs. But the WSOD also made it clear that coercive action should exclusively be taken "through the Security Council," which means that without the support of the latter, the criterion of right authority would not be satisfied in the case of repression. Considering that the UN Security Council has never endorsed the military support of CRMs in the past, and that it has often been in a stalemate when it comes to atrocity situations such as the one in Myanmar that we explore in "The Case of Myanmar" section, such an approval is unlikely, which means that the criterion of right authority would not be fulfilled.

In the event of a coup, and unless there is a UN arms embargo in place, a case could be made that providing lethal military support would be legal if the latter were coordinated through the government that was subject to the coup because this would involve one legitimate government selling weapons to another. However, this argument would be a stretch, especially since, as explained in the next section, most governments around the world follow the practice of recognizing *states* instead of *governments*.

The key question remaining is whether providing lethal military support to the CRMs could still be morally justified even if does not satisfy the criterion of right authority. The answer to this question lies in one of the most important criteria of the ICISS framework, which is also, in this case, one of the most unattainable: Will providing military support have a *reasonable chance of success* when it comes to

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preventing or halting atrocities, or will it make things worse? The answer to this question makes the provision of lethal military support to CRMs undesirable because it is likely to have a negative effect in both the short and the long term. We turn to our analysis on efficacy to better understand why.

### Evaluating the Efficacy of Providing Lethal Military Support to CRMs

Research shows that nonviolent movements are twice as likely as violent ones to succeed, with some studies showing that "nonviolent campaigns have achieved success 53 percent of the time, compared with 26 percent for violent resistance campaigns."[24] Though this data is debated in the literature, and while it could be argued that arming CRMs could increase this success rate, existing research suggests that introducing violent means is instead likely to lead to an escalation of the situation and, as a result, to an increased number of atrocities and civilian deaths.[25] This escalation is caused by military regimes matching the weapons on the ground, and by the fact that, as Erica Chenoweth and Maria Stephan explain, "The presence of an external sponsor . . . may enhance the credibility of violent insurgencies" which will allow them "to mobilise more participants."[26] If the regime in place is being propped up by other third-party states, which is often the case, the risk of escalation can be expected to increase, and in some cases even lead to, a proxy war.

In addition to the likelihood of escalation, it is hard to predict what the resistance will actually do with the lethal military support offered, since the international community often has limited available information on the CRMs.[27] Existing research forces us to exercise caution and to resist romanticizing such movements. In the context of fighting autocratic regimes, Allen Buchanan explains that "revolutionaries frequently use violence and sometimes outright acts of terrorism against other non-combatants—namely, other oppressed people—not to change the behavior of the regime, but to increase participation in the struggle or to eliminate rivals for leadership of the revolution."[28] Similarly, drawing on events that occurred in Côte d'Ivoire, Betcy Jose and Peace Medie explain that "members of self-defence groups harassed community members for money and eventually began to attack the people they claimed to protect."[29] In fact, Idean Salehyan and his colleagues showed that these kinds of human rights violations often increase with foreign assistance since "access to foreign patrons reduces the rebels' need to 'win the hearts and minds' of the civilian population and raises the probability of civilian abuse."[30]

Finally, studies on the long-term effects of armed resistance should add further reason for concern for those considering lethal military support. Chenoweth and Stephan found that only 6 percent of violent campaigns lead to democracy within five years of the campaign ending (vs. 57 percent of nonviolent campaigns).[31] It is also common for weapons to fall into the hands of other groups, including terrorist ones, leading to instability in the country and beyond. The recent conflict in Afghanistan proved to be a good example of this risk, with many weapons provided by the West ultimately falling into the hands of the Taliban.

Consequently, both ethical and pragmatic considerations suggest that, in most cases, the provision of lethal military support to CRMs by the international community should mainly be seen as undesirable and should not routinely be added to the tool kit of atrocity prevention. In fact, in some circumstances, the expected consequences of such measures are likely to be so negative that the international community should not only avoid considering this option, it should also see it as a responsibility *not* to undertake such support. This argument may appear counterintuitive and even controversial since many members of the international community often want to "do something," especially when undertaking the given action appears to recognize agency and the voices of those on the ground. But doing something should involve employing the most effective atrocity prevention tools available. So, if the international community is serious about atrocity prevention, it has a responsibility—which it has officially acknowledged by endorsing RtoP in 2005—to take seriously the likely negative impact of providing lethal military support to CRMs.

### Exceptions and Nonlethal Military Support

It is important to acknowledge that we do not rule out the possibility that there may be rare instances of resistance to repression or a coup where military support of CRMs would be warranted as a last-resort measure. An example often used in the literature is the support provided to the Bosnian Muslims during the breakup of former Yugoslavia.[32] However, these instances should remain rare exceptions rather than the norm in light of the strong likelihood of escalation and intensified repression. We argue that they should be restricted as much as possible to instances when the resistance movement satisfies some legitimacy criteria—such as diverse and inclusive representation and a commitment to human rights and international humanitarian law (which we discuss in more detail in the "Broadening the Scope of Nonviolent Atrocity Prevention" section)—and when it

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would be expected that, with the military support of the international community, the CRM has a reasonable chance of preventing or halting mass atrocities. In the vast majority of cases, the international community needs to rely on other more effective atrocity prevention tools—which will vary from situation to situation—to yield atrocity prevention results.

On the other hand, nonlethal military assistance might be warranted when the aim is to increase the capacity of the CRMs to defend themselves and protect civilians from atrocities without enhancing their capacity to commit atrocities or escalate the conflict. Examples of such assistance include intelligence and radar detection that alerts civilian populations of a pending attack or viable escape routes, along with the provision of protective equipment. These options can support the capacity of CRMs to provide direct protection to civilians in the line of fire and support the reduction of violence until a political solution can be found, without directly intervening as a party to a conflict or contributing to its escalation. In recent conflicts, such as those in Syria, Libya, Yemen, and Ukraine, the United States and EU countries have supported rebel groups with such nonlethal aid, which offers evidence of the increasing resort to this form of support in order to reduce the threat of direct confrontation and conflict escalation.[33]

## Broadening the Scope of Nonviolent Atrocity Prevention: Providing Nonmilitary Support to Civilian Resistance Movements

Ruling out lethal military support in most cases does not mean that the international community is devoid of options when it comes to supporting CRMs in the context of atrocity prevention. In addition to the nonlethal military support discussed in the previous section, we emphasize three nonmilitary pathways that can be effective at promoting atrocity prevention: political recognition, technical assistance, and accountability. These tools would complement the nonviolent tools of the existing atrocity prevention tool kit (discussed in the "The Omission of CRMs in the Fields of Atrocity Prevention and RtoP" section), which can delegitimize repressive regimes and impede their ability to continue committing mass atrocities.[34]

Before continuing with the analysis, two clarifications are necessary. First, these nonmilitary tools are not meant to constitute an exhaustive list. For instance, there

are other methods, such as financially supporting CRMs, that are also likely to yield prevention results.[35] However, we focus on political recognition, technical assistance, and accountability as they have been broadly overlooked by the existing atrocity prevention literature. Second, like any other tool within the atrocity prevention tool kit, nonmilitary support of CRMs can be controversial because it still involves intervening in the domestic affairs of a state. Some could even argue that providing CRMs nonmilitary support is just another, more subtle form of regime change. However, as Pattison explains, "One of the central, and largely uncontroversial, claims of . . . (RtoP) is that state sovereignty implies responsibility for its population; if a state is manifestly failing to protect its population from mass atrocities, then the international community has a remedial responsibility to protect this population."[36] Therefore, it can be argued that, just like for the rest of the atrocity prevention tool kit, if the principles of right intention and proportionality are met—meaning that the nonmilitary support is provided to prevent or halt atrocities, and that its scale is confined to what is necessary to achieve the human protection objective—the concerns around sovereignty are mitigated. Additionally, it is also useful to remind ourselves that this nonmilitary support is considerably less controversial than other existing atrocity prevention tools such as "violent foreign intervention."[37]

### Political Recognition

There is no standard process in international law for determining the status of governments in situations of unconstitutional transfers of power.[38] Most governments follow the practice of recognizing *states* (defined objectively by territory, control over populations, and an effective administration)[39] instead of *governments*, which may be a more subjective and contested decision. This was not always the case: In the past, most governments recognized both states and governments in their foreign relations, and, as such, support for governments was often interpreted as approval of a given regime and, therefore, a political practice.[40] The change in practice to that of recognizing states became widespread in the late 1980s as governments, particularly in the West, grappled with the need to establish diplomatic relations with a number of problematic regimes, such as in Afghanistan and Cambodia, without signaling a preference for one faction over another.[41] The turn in recognitive practice has meant that governments can continue dealing diplomatically with states regardless of the regime in order to provide a level of stability and continuity in foreign relations.

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There are, however, indications that political recognition has been "rediscovered" by political leaders as a means of communicating degrees of political support for opposition groups.[42] The recognition by numerous governments of Juan Guaidó as interim president of Venezuela in 2019 has, for instance, indicated a potential reversal of governments' recognition practices as a channel for communicating disapproval of a regime.[43] However, the global politics of recognition has been "fragmented" and subject to geopolitical objectives that are making consistency in the international practice of recognition more difficult to regulate.[44]

Even though this practice remains unusual, there are still a number of ways that the international community and specific governments can provide a level of political recognition and legitimacy to a group without fully recognizing it as the legitimate government. They can indeed employ varying degrees[45] and forms of recognition to politically back a civilian opposition group, such as recognizing a group as the "legitimate representatives" of a people while falling short of recognizing it as the "legitimate government."[46] Similarly, providing credentials to an appointed official to represent their country at the UN has served as an additional proxy of international legitimacy in recent practice (although it was never intended for this purpose).[47]

From a legal perspective, these varying degrees of political recognition only have a limited impact—such as through the ability to inflict reputational damage—on a ruling or incumbent government given that the state remains the subject of international law.[48] A state's legal rights and obligations indeed remain intact regardless of the regime in place. However, these varying degrees of political recognition support atrocity prevention in a number of ways. First, they delegitimize repressive and unconstitutional regimes by formally denouncing the illegality and brutality of their behavior. This encourages greater international pressure to mitigate state-led violence through punitive actions such as sanctions and embargoes. Second, political recognition provides CRMs with the legitimacy to participate in peace negotiations, which can help secure future atrocity prevention outcomes by ensuring that the peace process involves the protection of civilians and minorities who are subject to discrimination and persecution. Finally, political recognition justifies the support of CRMs through external channels, whether they be financial, humanitarian, or political. For instance, it justifies urgent humanitarian assistance through CRMs and their partners, which helps directly respond to humanitarian needs and, in turn, provides legitimacy gains for the CRMs in the eyes of the domestic population.

However, political recognition, even in its lesser form, will not—and should not—be a viable option for all CRMs. Even when CRMs represent a wide popular base, they may lack diversity or inclusivity in their representation. The potential for ossifying new inequalities of power through recognizing these groups could lead to future political cleavages that would generate further risk of atrocities against minorities. We thus suggest some criteria for the international political recognition and support of CRMs, and we propose that the diversity and inclusivity of different constituencies be central to these criteria.

1. In the instance of a coup, the leadership of CRMs should have (ideally) served in the popularly elected government that has subsequently been deposed through a coup.
2. Diverse and inclusive representation should be present—the CRMs should not represent the voices of a majority group only but should also be inclusive of minority groups and voices, to the greatest extent possible.
3. The CRMs should have a commitment to deliberative processes and dialogue to prevent entrenching new power inequalities that exclude minority groups in future political structures.
4. The CRMs should have a commitment to democratic solutions to resolving conflict, such as the rewriting or revision of constitutions (when appropriate) to provide recognition and protection for all population groups regardless of race, ethnicity, religion, or creed.
5. The CRMs should have a commitment to international humanitarian law (IHL).
6. The CRMs should have a commitment to human rights and international human rights law (IHRL).

If a CRM does not meet these criteria, the international community can still provide some forms of technical assistance; for instance, by providing training on IHL and IHRL (as discussed in the next section). It can also explore the suitability of offering positive enticements to encourage CRMs to fulfill these criteria. However, until they satisfy these conditions, CRMs will not have available the various degrees of political recognition discussed above.

### Technical Assistance

Continuing with this line of reasoning, we argue that a second effective way the international community can provide nonmilitary support to CRMs in order to prevent or mitigate ongoing and future atrocities is through technical assistance.

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In particular, in the short term, providing training to CRMs on using nonviolent strategies[49] can increase not only their reliance on nonviolent strategies but also their chances of success.[50] Similarly, training CRMs on IHL and IHRL can raise the prospects that CRMs will respect international law and refrain from committing atrocities, which is necessary for them to gain political legitimacy. CRMs hoping to displace a ruling regime will want to ensure that they are perceived as legitimate actors and a viable alternative to the current government in the eyes of the international community. The need to protect their local and international reputation can motivate such groups to respect international law and refrain from committing atrocities.[51] Additionally, technical support in order to strengthen command-and-control capacities of CRMs across the movement can also improve their ability to coordinate and direct strategic operations, and to limit spontaneous attacks that may constitute atrocities.

In the longer term, offering technical assistance to strengthen the capacity of CRMs to build inclusive and representative governance anticipates the need for future stability and can prevent further fragmentation and violence between competing armed groups. CRMs seek radical transformation of political structures that govern society. Yet not all CRMs have the requisite knowledge, skills, and experience to achieve the core objectives of political resolution through formal peace processes, or to establish alternative governance systems that could produce better societal outcomes. Prospects for long-term peace are contingent on a political solution to crises, such as by implementing inclusive representation to reduce the risk of minorities being targeted and building democratic structures for a political transition that is resilient to future atrocities.

We see three areas where the international community can provide technical assistance to increase the likelihood of long-term safeguards for future atrocities. The first involves fostering inclusive dialogue and a commitment to democratic solutions to conflict resolution among diverse constituencies, to reverse long-term atrocity risk factors. As mentioned previously, CRMs may represent the critical mass of a given population, but do not automatically represent diverse groups. To prevent CRMs from establishing new political structures that continue to exclude marginalized groups from representation, the international community can assist CRMs with the skills and capacities to ensure diverse and representative participation in the emerging governance structures. The failure to do so can lead to future atrocities. For example, following the implementation of a new constitution in Myanmar in 2010, the quasi-democratic government initiated a peace

process with armed groups across the country that received strong international backing. The criteria for participation excluded nonarmed minority groups from representation in the national peace process. Among those groups excluded were the Rohingya minority[52] that was subsequently targeted by military clearance operations resulting in genocide.

The second area where the international community can provide technical assistance to CRMs is by providing them the negotiation skills to ensure that they are equipped to participate in political dialogue and peace processes. CRMs should indeed be able to articulate their political objectives and ensure fair outcomes from a process that can address discrimination and grievances to prevent future atrocities. Finally, the international community can provide CRMs technical assistance in constitution writing (when appropriate), legal reform, and institution building, which are necessary for any long-term future reform process.

Therefore, in addition to yielding atrocity prevention results in the short term, technical assistance strengthens the prospects for atrocity prevention in the long term because cooperation between armed groups fighting against a regime does not preclude the possibility of the movement breaking down into factions after their goals have been achieved. For example, members of the National Transitional Council in Libya, which formed as a united political front in the revolt against Muammar Gaddafi in 2011, fragmented a year after it gained power and propelled the country into civil war. The international community needs to anticipate prospects for future atrocity violence within countries that have multiple armed groups vying for power.

### Accountability

Promoting accountability is already used as a vital tool to constrain perpetrators of atrocities.[53] Hyeran Jo and Beth Simmons have shown that accountability measures can deter legitimacy-seeking governments and nonstate actors from committing atrocities.[54] Additionally, the pursuit of accountability is integral to the international community's policy options available for authoritatively condemning regime behavior and preventing future atrocities. This is particularly the case when geopolitical polarization impedes other avenues, such as through the UN Security Council. Evidence of war crimes and crimes against humanity, alongside international condemnation, encourages state actors to increase sanctions and embargoes on perpetrators that can decrease incentives to commit atrocities.

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We, however, argue that the pursuit of accountability for atrocities committed against civilian populations is not only needed to constrain perpetrators but is also an integral policy option available to the international community for supporting CRMs—for instance, through fact-finding and monitoring mechanisms—for three reasons.

First, the evidence produced through accountability mechanisms is essential for mobilizing global attention to the atrocities committed by repressive regimes, and for generating international condemnation of the regime's behavior. Accountability mechanisms therefore provide CRMs with an international platform to communicate evidence of atrocities against the civilian populations they are representing, which may be needed to mobilize international support, including life-saving humanitarian assistance.

Second, CRMs are often frontline actors in gathering and preserving evidence of serious human rights abuses that can be used for international prosecution of perpetrators. UN fact-finding and -monitoring mechanisms have provided a tangible interface for the international community to provide direct support to CRMs. For example, in Syria, the International, Impartial and Independent Mechanism (IIIM) has created a formal protocol known as the Lausanne Platform to ensure that civil society is provided with capacity building in the area of documentation and evidence collection and is involved in regular consultation and cooperation to inform the work of the IIIM.[55]

Finally, accountability efforts help CRMs prepare for a peaceful future, free of atrocities. One of the most significant risk factors for future atrocities in a state is a history of mass violence for which there has been little or no accountability.[56] Historical impunity feeds into wider patterns of impunity that undermine the rule of law and sow the seeds for future violence. In the longer term, accountability can address the impunity gap that has created a permissive environment through which atrocities are committed.[57] Both judicial and nonjudicial processes of accountability (including truth telling, reparations, and institutional and legal reform) are necessary for future guarantees of nonrecurrence of atrocities, and therefore contribute to long-term prevention efforts.[58]

Consequently, although there are limits to the protective capacity of accountability measures, the pursuit of international accountability is one among a suite of nonmilitary measures that the international community can take to support CRMs while stigmatizing repressive regimes. This can then justify more punitive, nonlethal measures to restrain the capacity of those regimes to commit further atrocities.

## The Case of Myanmar

We now turn to our case study on Myanmar to explore these arguments in more depth. On February 1, 2021, the Tatmadaw (Myanmar's military) staged a coup under the leadership of its commander in chief, Senior General Min Aung Hlaing, and established an interim State Administration Council (SAC). The Myanmar population rapidly organized to protest the coup, and health workers, teachers, and civil servants started a nationwide civil disobedience movement. The military quickly repressed the movement with force, including through systematic and widespread human rights violations. The resistance, however, kept organizing. In April 2021, a self-appointed civilian government—the National Unity Government (NUG)—was created. In May 2021, it announced that an armed resistance would be led by the newly formed People's Defence Forces (PDFs). In September 2021, acting president of the NUG, Duwa Lashi La, called for a nationwide "people's defensive war" against the SAC and the Tatmadaw. Strategically, the NUG brought many autonomous armed groups already fighting the SAC into its movement, thereby expanding its population base for support and harnessing the military experiences and capabilities of these long-standing armed groups.

The situation in Myanmar falls under the responsibility to protect. In a continuation of its decades-long "four-cuts" counterinsurgency strategy[59] of targeting civilians to undermine armed resistance, the Tatmadaw has committed many atrocities against civilian populations perceived to be associated with the PDFs as a strategy to curb the armed resistance, including extrajudicial detention, torture, sexual violence, mass killings, indiscriminate air strikes, artillery shelling, razing villages, and blocking humanitarian access.[60] These crimes may amount to war crimes and crimes against humanity.[61] Over the past few years, these attacks have been increasing in brutality, as illustrated by the use of a thermobaric bomb on a civilian gathering in Sagaing region in April 2023, killing over 160 people. As a result, it is estimated that the Tatmadaw had killed over 3,509 civilians since the beginning of the coup (as of May 15, 2023).[62] Additionally, 88,000 people have fled to neighboring countries since the coup and an additional 1.5 million people are internally displaced (as of May 1, 2023) as the result of the clashes between the Tatmadaw, the PDFs, and ethnic armed organizations (EAOs).[63]

Myanmar protestors have called on the international community to intervene under the banner of RtoP.[64] With the prospects of military intervention

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nonexistent, the Chinese and Russian backing of the SAC has also impeded international efforts to employ alternative atrocity prevention tools, such as a Security Council–mandated global arms embargo, and targeted sanctions against key individuals and corporations, such as Myanmar Oil and Gas Enterprise, identified as essential by UN Special Rapporteur on the Situation of Human Rights in Myanmar Tom Andrews.[65] International sanctions and arms embargoes on Myanmar have remained limited to a number of states, such as the United Kingdom, United States, Canada, and the European Union, most of which already had arms embargoes and sanctions in place before the coup, initially resulting in these states having minimal influence on the current situation. As a result, it seems particularly important to consider additional channels through which engagement with the NUG may support atrocity prevention and civilian protection.

## Military Support

The opposition in Myanmar has called for the international community to supply weapons and military hardware to bolster its military capacity.[66] This option has not been pursued for a number of reasons, including the problems of intervention without Security Council backing, the prioritization of Western ammunition and military hardware to Ukraine, and the continued reluctance by Western actors to endorse the NUG's "people's war." Therefore, the PDFs have self-funded, and relied on weapons manufactured locally by EAOs, handmade weapons, and those sourced on the black market.[67] The PDFs have improved their coordination, and currently control approximately 52 percent of Myanmar's territory.[68] In response, the Tatmadaw has scaled up air strikes against civilian targets significantly to starve the insurgency of popular support. Considering that the Tatmadaw has shown no intention of slowing down its campaign against the resistance, providing lethal military support to the various PDFs would likely fuel the violence further and increase civilian suffering and atrocities. For this reason, it is imperative that the international community prioritize the protection of civilians over fueling and escalating the conflict and pursue a cessation of hostilities as the highest priority.

Additionally, it is important to note that the armed resistance is highly fragmented since it is comprised of various PDFs (which are a varied group of volunteer forces with diverse backgrounds) in cooperation with a patchwork of EAOs (many with their own long histories of internal conflict): beyond opposition to the Tatmadaw, there is little consensus on other issues.[69] In fact, a number of

EAOs have pitted themselves against both the Tatmadaw and each other, and have used the current disorder in the country to consolidate their own territorial and political strategic gains in their regions of influence. This has created a highly complex and volatile situation. Armed violence has spread to parts of the country that have not experienced conflict since Myanmar's independence in 1948, while new waves of guerrilla warfare, including in urban areas, now map onto decades-old insurgencies.[70] The civilian government, the NUG, has implemented a code of conduct for the PDFs, although some affiliated and nonaffiliated resistance groups have committed human rights violations, such as targeted killings of civilian supporters of the regime.[71] Based on this evidence, it would be unwise to offer lethal military support to the PDFs since the expected fallouts would outweigh the benefits.

However, ruling out the provision of lethal military support does not preclude international actors from supplying nonlethal military support, especially at a time of increased brutality of the Tatmadaw toward civilians. For example, the United States passed the 2023 National Defense Authorization Act (commonly referred to as the Burma Act), which has broadened its authority to sanction the SAC, and has empowered the United States to provide nonlethal and technical assistance to the NUG and other "pro-democracy movement organizations."[72] Nonlethal assistance that provides direct protection outcomes for civilians can include intelligence sharing, battlefield medicine, and funding to facilitate military defections. At the time of writing, the United States has not stated intent to provide the other forms of nonlethal assistance, such as protective armor or radar equipment, that it has provided to Ukraine and to Syrian opposition forces, although these are within the remit of the act. Within the context of RtoP, the provision of nonlethal assistance should be considered by other members of the international community since it would increase the capacity of the PDFs to protect themselves and civilians from atrocities and provide humanitarian relief, without enhancing the capacity of the PDFs to commit atrocities or leading to an escalation of the conflict.

Additionally, employing the nonmilitary options introduced in the "Broadening the Scope of Nonviolent Atrocity Prevention" section could considerably support the NUG's capacity to protect populations from ongoing atrocities.

### Political Recognition

The individuals who formed the NUG were former members of parliament serving in the Pyidaungsu Hluttaw (the Myanmar legislature) at the time of the coup.

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Having been elected through a popular vote in the 2020 landslide victory, these members of the NUG formed a shadow government on the basis of their democratic representation of the Myanmar population. Following the coup, the leaders of the NUG invited representatives from diverse ethnic minority groups and civil society to join their shadow government. Accordingly, the NUG meets our criteria of the widest-possible diverse, inclusive, and democratic representation.

However, the willingness of states to formally recognize the NUG is complicated by its backing of the PDFs, which, as mentioned above, are responsible for serious violations of IHL and IHRL. To date, no government has formally recognized the NUG as the legitimate government of Myanmar, despite wide political support for the restoration of the democratically elected government. On October 5, 2021, the French senate passed a resolution to recognize the NUG,[73] but it was not approved in the National Assembly. The only official recognition of the NUG has come from the European Parliament: Condemning the "gross human rights violations" of the Tatmadaw that amount to "crimes against humanity," it passed a resolution officially supporting "the CRPH [Committee Representing Pyidaungsu Hluttaw] and the NUG as the only legitimate representatives of the democratic wishes of the people of Myanmar," calling on ASEAN (the Association of Southeast Asian Nations) and Myanmar to involve the opposition in "inclusive political dialogue aimed at the peaceful resolution of the crisis."[74] However, in light of the absence of a corresponding recognition by the European Commission or EU member states, the resolution has not placed obligations to formally sever ties with the military junta.

Similarly, ASEAN has not, at the time of writing, been a decisive actor due to internal divisions on how to deal with the SAC. In 2021, it negotiated a Five-Point Consensus on Myanmar, calling for the cessation of violence and constructive dialogue. Even though the SAC has ignored the consensus, ASEAN has not suspended the SAC's membership; it has not been willing to take firm action against the ongoing atrocities beyond condemnatory statements; and it has not formally recognized the NUG. In line with ASEAN's approach of consensus and dialogue, its response has remained limited to promoting inclusive dialogue.

While official political recognition has remained off the table for many, some international actors have nonetheless found ways to promote the legitimacy of the NUG. For example, even though the United States recognized the genocide of the Rohingya by the Tatmadaw, it was initially reluctant to offer public support to the NUG, but rather reaffirmed its commitment to the "people of Burma in

their desire to pursue a path to democracy for their country."[75] The U.S. government changed its language in December 2022 with the passing of the Burma Act, which affirms support for the NUG by name—a notable shift in U.S. policy. However, by emphasizing "support for an inclusive, peaceful, and prosperous democracy for all,"[76] the U.S. position ensures that its support for the NUG is measured, given the complicity of some PDFs in acts of serious human rights abuses.

Similarly, the Australian government permitted the NUG to establish a shadow embassy in Canberra in 2022, but has neither severed official ties with the SAC nor closed the Myanmar embassy. The UN General Assembly has also adopted an interesting approach. In 2021, its Credentials Committee received two cases of competing requests for UN credentials, one by the NUG and the other by the Myanmar military.[77] The committee deferred its decision in December 2021 and again in 2022, temporarily blocking the SAC from formal representation at the UN.[78] While it could be argued that the committee should have gone further by fully acknowledging the NUG as the legitimate representative of Myanmar, the move has allowed the representatives of the deposed civilian government to hold their UN seats, and temporarily denied conferring international legitimacy to the Myanmar military.

Therefore, a number of states in the West and in the Southeast Asia region have engaged the NUG as an indispensable partner for future peace negotiations and political transition. However, these states have remained cautious and refrained from investing extensive political capital in the NUG due to its own association with serious human rights abuses and possible international crimes. As the atrocities by the Tatmadaw are scaling up and the NUG's efforts to be considered a legitimate actor are increasing (as discussed below), there has been a strengthening of the international support for the NUG that could lead to further political recognition in the future.

### Technical Assistance

Since the coup, the international community has engaged with the NUG primarily through technical assistance. Two initiatives are particularly noteworthy. Importantly, the NUG has developed a command-and-control capacity through forming the Central Command and Coordination Committee and the Joint Command and Coordination to improve the coordination of PDFs and activities with allied EAOs. The U.S. government's Burma Act explicitly provides for

technical assistance to improve the NUG's command-and-control capacity among other areas of key technical assistance.[79]

Another noticeable initiative is the training in IHL and IHRL provided to PDFs, which has increased the likelihood that they respect international law and undertake more strategic operations instead of engaging in targeted human rights abuses and killings. The NUG appears to have understood that adhering to international law and minimizing human rights abuses would facilitate its claim to international legitimacy, and, in turn, would promote its efforts to attract formal political recognition. For example, the NUG's Ministry of Defence has published extensive coverage of its code of conduct for PDFs on its social media platforms, with clear references to the Geneva Conventions.[80] It has also issued a directive that prohibits PDFs from engaging children in combat, as has been happening among some armed resistance groups.[81] However, some violations continue. The efforts to promote respect for IHL and IHRL could be scaled up by the international community since many of the initiatives to train PDFs in IHRL and IHL have come indirectly through international NGOs, including those operating on the border.[82]

### Accountability

Finally, a direct pathway for international support of the NUG and civilian populations has been through international efforts to hold Myanmar's leaders to account for atrocities committed both prior to and following the coup. The situation in Myanmar was already subject to scrutiny through international accountability processes. In response to Tatmadaw-led clearance operations targeting Rohingya minorities, in 2017 the UN Human Rights Council set up the Independent International Fact-Finding Mission on Myanmar, followed by the Independent Investigative Mechanism for Myanmar (IIMM).[83] Proceedings in the International Court of Justice (ICJ)[84] and initial investigations in the ICC[85] were also opened at the time of the coup to investigate allegations of genocide, crimes against humanity, and war crimes. This means that mechanisms were already in place in February 2021 to ramp up the monitoring and investigation of Tatmadaw atrocities toward civilians.[86]

These avenues for investigation and prosecution have provided direct access to international support for the NUG and civil society groups. For instance, the IIMM is working with the NUG to gather evidence for proceedings in the ICC, ICJ, and those based on universal jurisdiction. Importantly, these mechanisms

carry the authority of the UN, and provide the NUG with an avenue for communicating evidence of SAC atrocities to the international community, helping to keep global attention on the situation, needed to counter impunity and support of the SAC. Evidence in the reports of these formal accountability mechanisms of escalating atrocities by the Tatmadaw, and of the extensive international business interests, sale of weapons, and dual-use technologies[87] that have enabled them, have led numerous governments and corporations to cut ties and increase restrictions on the Myanmar regime. Governments such as those in the EU, United Kingdom, United States, Canada, and Australia have increased sanctions on the regime significantly since evidence of increased Tatmadaw atrocities was released. They have also responded swiftly to the NUG's request[88] for international partners to halt the sale of aviation fuel used for air strikes against civilians in order to assist the CRMs in withstanding these offensives.[89]

External partners, including NGOs based in the region[90] and in countries such as the United States, have also supported the NUG through capacity building to counter SAC atrocities by exposing it to international legal standards and technical skills for investigation and generating evidence that could hold in a court of law.[91] As explained in the "Broadening the Scope of Nonviolent Atrocity Prevention" section, these skills have both immediate and long-term benefits for countering impunity in Myanmar that drives generational cycles of military atrocities, and for increasing the potential for meaningful transitional justice processes in the future. The impunity of the regime throughout the 2011–2020 quasi-democratization period, including an inadequate international response to the Rohingya genocide,[92] created a permissive environment for mass atrocities to be committed in the current period. Therefore, the responsibility to prevent atrocities in Myanmar should compel the international community to continue to step up its global efforts to hold Myanmar's leaders to account through a wide range of accountability measures.

## Conclusion

In this article, we argue that in most cases of coups or repression, providing lethal military support to CRMs is unlikely to be ethically desirable or operationally effective for preventing atrocities. In some instances, the international community should see this as a responsibility *not* to undertake such support because the latter is likely to result in conflict escalation and a stalemate that will create more harm for civilian populations and lead to further atrocities.

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Instead, members of the international community that are serious about implementing atrocity prevention within their foreign policy need to investigate the feasibility and practicality of supporting CRMs through nonlethal and nonmilitary means. This requires a consideration of alternative mechanisms to expand the nonviolent atrocity prevention tool kit through which support for organized CRMs can be pursued, an important omission within the mainstream RtoP and atrocity prevention literatures. In addition to nonlethal military support, such means could include varied degrees of political recognition, which should remain conditional on diversity and inclusivity of different constituencies. Additionally, provision of technical assistance and accountability efforts will support shorter- and longer-term atrocity prevention objectives.

This article has proposed three main nonviolent mechanisms through which the international community can feasibly support CRMs in order to promote the prevention of atrocities in situations of repression and/or a military coup. As mentioned before, these mechanisms are not exhaustive. Rather, this article points to new lines of research in the field of atrocity prevention that can grapple with the ethical complexity presented through the growth of CRMs in response to systematic atrocities committed by repressive regimes. Ultimately, these options require members of the international community to employ an atrocity prevention lens to evaluate the risks within each context and weigh the costs of potential actions in terms of their impact on civilian lives.

NOTES

[1] Erica Chenoweth, "The Future of Non-Violent Resistance," *Journal of Democracy* 31, no. 3 (July 2020), pp. 69–84. In the past five years, there have been over 230 significant anti-government protests in over 110 countries, and "78% of authoritarian, or authoritarian leaning countries, have faced significant protests." Carnegie Endowment for International Peace, "Global Protest Tracker," last updated February 2, 2022, carnegieendowment.org/publications/interactive/protest-tracker. See also Katherine Kallehauge, "The Global Peace Index 2021 Reveals a Year of Civil Unrest," in *Global Peace Index* (St. Leonards: Institute for Economics and Peace, n.dd).

[2] See, for instance, Kurt Schock, "The Practice and Study of Civil Resistance," *Journal of Peace Research* 50, no. 3 (2013), pp. 277–90.

[3] See, for instance, James Pattison, "The Ethics of Arming Rebels," *Ethics and International Affairs* 29, no. 4 (Winter 2015), pp. 455–71.

[4] Erica Chenoweth and Maria J. Stephan, "Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict," *International Security* 33, no. 1 (Summer 2008), pp. 7–44; and Peter Ackerman and Berel Rodal, "The Strategic Dimensions of Civil Resistance," *Survival* 50, no. 3 (July 2008), pp. 111–26.

[5] Idean Salehyan, "The Delegation of War to Rebel Organisations," *Journal of Conflict Resolution* 54, no. 3 (2010), pp. 493–515.

[6] Betcy Jose and Peace A. Medie, "Understanding Why and How Civilians Resort to Self-Protection in Armed Conflict," *International Studies Review* 17, no. 4 (December 2015), pp. 515–35.

[7] EAOs are rebel groups formed along the lines of ethnicity that have been fighting the Tatmadaw for greater autonomy since Myanmar's independence.

8 Gareth Evans, "Most Read of 2021: The Responsibility to Protect the People of Myanmar," *Australian Outlook,* Australian Institute of International Affairs, last updated January 7, 2022, www.internationalaffairs.org.au/australianoutlook/the-responsibility-to-protect-the-people-of-myanmar.

9 Serena Sharma and Jennifer Welsh, eds., *The Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention* (Oxford: Oxford University Press, 2015); James Pattison, *The Alternatives to War: From Sanctions to Nonviolence* (Oxford: Oxford University Press, 2018); and Cecilia Jacob and Martin Mennecke, eds., *Implementing the Responsibility to Protect: A Future Agenda* (Oxon, U.K.: Routledge, 2020).

10 Exceptions include Peter Ackerman and Hardy Merriman, *Preventing Mass Atrocities: From a Responsibility to Protect (RtoP) to a Right to Assist (RtoA); Campaigns of Civil Resistance* (Washington, D.C.: International Centre on Nonviolent Conflict, 2019), www.nonviolent-conflict.org/wp-content/uploads/2019/05/Right-to-Assist.pdf; and Eamon Aloyo, "Conceptualising Mass Atrocity Prevention, Nonviolent Resistance, and Politically Feasible Alternatives," *Global Responsibility to Protect* 10 (2018), pp. 448–70.

11 See Arts. 138 and 139 in UN General Assembly, Resolution 60/1, "2005 World Summit Outcome," A/RES/60/1 (Sept. 16, 2005), www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf.

12 Edward Luck, "The Adolescent: R2P at Fifteen," *Global Responsibility to Protect* 12, no. 4 (2020), pp. 381–83, at pp. 382–83.

13 We are grateful to the anonymous reviewer for this useful comment.

14 Exceptions include Felicity Gray, "Relational R2P? Civilian-Led Prevention and Protection against Atrocity Crimes," *Global Responsibility to Protect* 14, no. 3 (2022), pp. 313–38; and Edward C. Luck and Dana Zaret Luck, "The Individual Responsibility to Protect," in Sheri P. Rosenberg, Tibi Galis, and Alex Zucker, eds., *Reconstructing Atrocity Prevention* (New York: Cambridge University Press, 2015), pp. 207–48.

15 Pattison, "The Ethics of Arming Rebels," p. 456.

16 Notable exceptions—though with different scopes—include Pattison, "The Ethics of Arming Rebels"; and Helen Frowe, "Liability for Wrongful Assistance: On Causing Unjust Harm in the Course of Suboptimal Rescue," in "Symposium on the Ethics of Indirect Intervention," *Journal of Applied Philosophy* 39, no. 1 (February 2022), pp. 23–37.

17 See Salehyan, "The Delegation of War to Rebel Organisations," p. 494.

18 See, in particular, Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 2015).

19 International Commission Report on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, December 2001), sec. 4, www.globalr2p.org/resources/the-responsibility-to-protect-report-of-the-international-commission-on-intervention-and-state-sovereignty-2001/.

20 Ibid., p. 36.

21 See Alex J. Bellamy, "Motives, Outcomes, Intent and the Legitimacy of Humanitarian Intervention" (*Journal of Military Ethics* 3, no. 3 [November 2004], pp. 216–32) for a similar argument regarding military intervention.

22 Olivier Corten and Vaios Koutroulis, "The Illegality of Military Support to Rebels in the Libyan War: Aspects of *Jus Contra Bellum* and *Jus in Bello*," *Journal of Conflict & Security Law* 18, no. 1 (2013), pp. 59–93, at p. 65.

23 UN General Assembly, "2005 World Summit Outcome," Article 139.

24 Chenoweth and Stephan, "Why Civil Resistance Works" (2008), p.8.

25 Matthew Moore, "Selling to Both Sides: The Effects of Major Conventional Weapons Transfers on Civil War Severity and Duration," *International Interactions* 38, no. 3 (2012), pp. 325–47. See also Pattison, "The Ethics of Arming Rebels," pp. 458–9.

26 Chenoweth and Stephan, *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict* (New York: Columbia University Press, 2011), p. 25.

27 See also Pattison, "The Ethics of Arming Rebels," p. 457.

28 Allen Buchanan, "The Ethics of Revolution and Its Implications for the Ethics of Intervention," *Philosophy & Public Affairs* 41, no. 4 (Fall 2013), pp. 291–323, at p. 293.

29 Jose and Medie, "Understanding Why and How Civilians Resort to Self-Protection in Armed Conflict," p. 529.

30 Idean Salehyan, David Siroky, and Reed M. Wood, "External Rebel Sponsorship and Civilian Abuse: A Principal-Agent Analysis of Wartime Atrocities," *International Organization* 68, no. 3 (Summer 2014), pp. 633–61, at p. 635.

31 Chenoweth and Stephan, *Why Civil Resistance Works* (2011), pp. 213–15.

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[32] Pattison, "The Ethics of Arming Rebels," p. 462.

[33] Tom Ruys and Luca Ferro, "Non-Lethal Assistance and the Syrian Conflict: Lessons from the Netherlands," Just Security, July 20, 2020, www.justsecurity.org/71286/non-lethal-assistance-and-the-syrian-conflict-lessons-from-the-netherlands/.

[34] For example, arms embargoes, sanctions, and denying regimes access to dual-use materials are legal options available to the international community. These nonmilitary measures can deprive perpetrators of the physical capabilities to target civilians and help to shift the balance of power in the battlefield—particularly when only the military has access to an international supply of military hardware and ammunition. As illuminated in "The Case of Myanmar" section, these measures require comprehensive international cooperation and enforcement to effectively inhibit the ability of militaries to commit atrocities.

[35] Such assistance could support the activities of CRMs and also "reward" or incentivize good behavior, such as a commitment to human rights and international humanitarian law. See Alex J. Bellamy, *The First Response: Peaceful Means in the Third Pillar of the Responsibility to Protect* (Muscatine, Iowa: Stanley Foundation, December 2015), pp. 43–44. For instance, Chenoweth and Stephan (*Why Civil Resistance Works*" [2011], p. 67) explain that "the Serbian resistance movement Otpor . . . received millions of dollars from funding agencies linked to the United States and European governments."

[36] Pattison, "The Ethics of Arming Rebels," p. 463.

[37] Aloyo, "Conceptualising Mass Atrocity Prevention, Nonviolent Resistance, and Politically Feasible Alternatives," p. 468.

[38] Rebecca Barber, "The Role of the General Assembly in Determining the Legitimacy of Governments," *International and Comparative Law Quarterly* 71, no. 3 (July 2022), pp. 627–56.

[39] Art. 1, Montevideo Convention on the Rights and Duties of States, December 26, 1933.

[40] For a detailed analysis, see Hans Kelsen, "Recognition in International Law: Theoretical Observations," *American Journal of International Law* 35, no. 4 (October 1941), pp. 605–17.

[41] Mexico first started the practice of focusing on states rather than governments in the 1930s.

[42] Stefan Talmon, "Recognition of Opposition Groups as the Legitimate Representative of a People," *Chinese Journal of International Law* 12, no. 2 (June 2013), pp. 219–53, at p. 226.

[43] Donald R. Rothwell, "The Barely-Noticed Momentous Change to Australian Foreign Policy," the Interpreter, February 14, 2019, www.lowyinstitute.org/the-interpreter/barely-noticed-momentous-change-australian-foreign-policy.

[44] Edward Newman and Gëzim Visoka, "The Geopolitics of State Recognition in a Transitional International Order," *Geopolitics* 28, no. 1 (2023), pp. 364–91.

[45] George Kyris, "State Recognition and Dynamic Sovereignty," *European Journal of International Relations* 28, no. 2 (June 2022), pp. 287–311.

[46] For instance, the National Transition Council was recognized as Libya's legitimate representative by France, Germany, and Italy by the end of March 2011. See M. J. Peterson, "Recognition of Governments," in Gëzim Visoka, John Doyle, and Edward Newman, eds., *Routledge Handbook of State Recognition* (Oxon, U.K.: Routledge, 2020), pp. 205–20, at p. 210. See also the example of Syria in Dapo Akande, "Self Determination and the Syrian Conflict—Recognition of Syrian Opposition as Sole Legitimate Representative of the Syrian People: What Does This Mean and What Implications Does It Have?," *EJIL: Talk!* (blog), *European Journal of International Law*, December 6, 2012, www.ejiltalk.org/self-determination-and-the-syrian-conflict-recognition-of-syrian-opposition-as-sole-legitimate-representative-of-the-syrian-people-what-does-this-mean-and-what-implications-does-it-have/.

[47] Barber, "The Role of the General Assembly in Determining the Legitimacy of Governments," p. 629. Conversely, refusal to provide UN credentials to a regime's representative has been used (sparingly) in the past to signal disapproval of the regime by the international community. As M. J. Peterson explains, "In the context of a coup, the UN General Assembly or Security Council "declin(ed) to seat the new rulers' delegation in Cambodia in 1997, Sierra Leone in 1997, Honduras in 2009, and Ivory Coast in 2011." Peterson, "Recognition of Governments," p. 210.

[48] James R. Crawford, "The Rights of Peoples: 'Peoples' or 'Governments,'" ch. 4 in *The Rights of Peoples* (Oxford: Clarendon, 1988), p. 54.

[49] The United States Institute of Peace offers training courses globally on nonviolent action, which it published in the Burmese language in June 2021. See United States Institute of Peace, *Synergizing Nonviolent Action and Peacebuilding (SNAP)* [in Burmese] (Washington, D.C.: United States Institute of Peace Press, 2021), www.usip.org/sites/default/files/2021-06/snap_synergizing_nonviolent_action_and_peacebuilding_burmese.pdf.

[50] Chenoweth and Stephan, "Why Civil Resistance Works" (2008) and Chenoweth and Stephan, *Why Civil Resistance Works* (2011).

51 Michelle Mack with Jelena Pejic, *Increasing Respect for International Humanitarian Law in Non-International Armed Conflicts* (Geneva: International Committee of the Red Cross, February 2008), p. 31.

52 Md Jobair Alam, "The Rohingya Minority of Myanmar: Surveying Their Status and Protection in International Law," *International Journal on Minority and Group Rights* 25, no. 2 (May 2018), pp. 157–82.

53 United Nations General Assembly Security Council, *Implementing the Responsibility to Protect: Accountability for Prevention*, A/71/1016–S/2017/556 (Aug. 10, 2017).

54 Hyeran Jo and Beth A. Simmons, "Can the International Criminal Court Deter Atrocity?," *International Organization* 70, no. 3 (Summer 2016), pp. 443–75.

55 United Nations General Assembly, *Protocol of Cooperation between the International, Independent and Impartial Mechanism and Syrian Civil Society Organisations Participating in the Lausanne Platform* (2016), iiim.un.org/wp-content/uploads/2021/05/Protocol_IIIM_-_Syrian_NGOs_English.pdf.

56 United Nations Office on Genocide Prevention and the Responsibility to Protect, *Framework of Analysis for ATROCITY CRIMES: A Tool for Prevention* (New York: United Nations, 2014), www.un.org/en/genocideprevention/documents/about-us/Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf; and Scott Straus, *Fundamentals of Genocide and Mass Atrocity Prevention* (Washington, D.C.: United States Holocaust Memorial Museum, 2016).

57 Cecilia Jacob, "Regulatory Contestation: Steering toward Consistency in International Norm Implementation," *International Studies Review* 23, no. 4 (December 2021), pp. 1349–69.

58 United Nations Human Rights Council, *Joint Study on the Contribution of Transitional Justice to the Prevention of Gross Violations and Abuses of Human Rights and Serious Violations of International Humanitarian Law, including Genocide, War Crimes, Ethnic Cleansing and Crimes against Humanity, and Their Recurrence*, A/HRC/37/65 (Jun. 6, 2018).

59 This strategy blocks insurgents' access to recruits, funds, food, and intelligence. See Cecilia Jacob, *Child Security in Asia: The Impact of Armed Conflict in Cambodia and Myanmar* (Oxon, U.K.: Routledge, 2014), pp. 137–38.

60 United Nations Human Rights Council, *Situation of Human Rights in Myanmar since 1 February 2022*, A/HRC/52/21 (Mar. 3, 2023).

61 United Nations Human Rights Council, "Written Updates of the Office of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Myanmar," A/HRC/48/67 (advance unedited version, Sept. 16, 2021), sec. IX(100), reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_48_67.pdf. It is also important to remember that the Tatmadaw has committed mass atrocities for decades. For instance, it conducted what it called "clearance operations" against the Rohingya minority from August 2017, which according to a 2018 report by the Independent International Fact-Finding Mission on Myanmar "undoubtedly amount to the gravest crimes under international law." See United Nations Human Rights Council, *Report of Independent International Fact-Finding Mission on Myanmar*, A/HRC/39/64 (Aug. 27, 2018), www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/ReportoftheMyanmarFFM.aspx.

62 "Political Prisoners Post-Coup," Assistance Association for Political Prisoners, aappb.org.

63 UNHCR Regional Bureau for Asia and Pacific, "Myanmar Emergency Update as of May 1, 2023," May 11, 2023, reporting.unhcr.org/document/4813.

64 Martin Mennecke and Ellen E. Stensrud, "The Failure of the International Community to Apply R2P and Atrocity Prevention in Myanmar," *Global Responsibility to Protect* 13, nos. 2–3 (2021), pp. 111–30, at p. 114.

65 "Myanmar: UN Expert Says Current International Efforts Failing, Urges 'Change of Course,'" UN News, September 22, 2021, news.un.org/en/story/2021/09/1100752.

66 See, for instance, "Myanmar Resistance Urges West to Provide Arms for Fight against Junta," Reuters, last updated May 17, 2022, www.reuters.com/world/asia-pacific/myanmar-resistance-urges-west-provide-arms-fight-against-junta-2022-05-17/.

67 International Crisis Group, *Crowdfunding a War: The Money behind Myanmar's Resistance*, Asia Report No. 32 (Brussels: International Crisis Group, December 20, 2022), www.crisisgroup.org/asia/south-east-asia/myanmar/328-crowdfunding-war-money-behind-myanmars-resistance.

68 Special Advisory Council for Myanmar, "Effective Control in Myanmar" (briefing paper, September 5, 2022), specialadvisorycouncil.org/wp-content/uploads/2022/09/SAC-M-Briefing-Paper-Effective-Control-in-Myanmar-ENGLISH-2.pdf.

69 Mikael Gravers, "A Tentative Unity among Myanmar's Anti-Coup Forces," East Asia Forum, June 8, 2021, www.eastasiaforum.org/2021/06/08/a-tentative-unity-among-myanmars-anti-coup-forces/#more-357828.

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Abstract: In recent years, there has been an upsurge in the number of civilian resistance movements (CRMs) within states to counter government repression and coups d'états through which civilians are on the frontlines of state brutality and mass atrocities. This article considers the implications of CRMs for atrocity prevention and the associated responsibility to protect norm by asking, Should the international community support CRMs as part of its wider commitment to ending mass atrocities? In this article, we evaluate both military and nonmilitary support to CRMs. We argue that in the context of coups and government repression, providing lethal military support to CRMs will often make things worse in terms of atrocity prevention. We however explain that the provision by the international community of nonlethal and nonmilitary support through political recognition, technical assistance, and accountability can yield positive results. We illustrate this argument with the case of Myanmar.

Keywords: civilian resistance, atrocity prevention, responsibility to protect, political recognition, technical assistance, accountability, Myanmar

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