



Launch of Conference Room Paper by the UN Special Rapporteur on the Situation of Human Rights in Myanmar

Illegal and Illegitimate: Examining the Myanmar Military's Claim as the Government of Myanmar and the International Response

Date: 31 January 2023

Time: 11:30– 13:00

Location: United Nations, New York (Conference Room 8)

On the eve of the second anniversary of the illegal coup in Myanmar the UN Special Rapporteur on the situation of human rights in Myanmar and International IDEA will co-host the launch of the Special Rapporteur's latest conference room paper, *Illegal and Illegitimate: Examining the Myanmar Military's Claim as the Government of Myanmar and the International Response*.

Going into the third year of its coup, the Myanmar military junta, which has set up a "State Administrative Council (SAC)", is still desperately seeking legitimacy and is orchestrating a legitimacy-seeking campaign in what it will describe as an "election" by August 2023. After failing to establish effective and legitimate government through brute force, the junta is attempting to turn the tide in its favor by trying to persuade Member States to endorse and accept its illegitimate elections. At the same time, the military appears to ignore the demands expressed by the recently adopted UN Security Council Resolution 2669 (2022), as it continues its arbitrary detention of the President and State Counselor and its campaign of violence and intimidation, ignoring the will of the people expressed in the 2020 elections.

The Special Rapporteur documents how the SAC is not the legitimate government of Myanmar and, as it continues to violently oppress any forms of dissent or opposition, cannot hold genuine elections that represent the will of the people as the only legitimate basis of the authority of government. The SAC fails to meet two core requirements that inform international recognition of governments: (1) the effective control standard, and (2) the legitimacy standard.

As the SAC lacked the constitutional and electoral legitimacy to take over the government in the first place, and lacks effective control of the country, the UN Special Rapporteur will be urging UN Member States to deny any support to the SAC, particularly in its attempt to hold elections that would not meet even minimum requirements to be considered genuine. The UN Special Rapporteur will discuss the junta's attempts to gain legitimacy, Member States' responses to the junta, and the UN Special Rapporteur's recommendations for finding solutions to the crisis in a more cohesive and coherent manner in 2023.

With the intention to contribute to the international community's understanding of the centrality of elections, in both the military's strategies and a future federal path chosen by democratic forces, International IDEA will present its policy paper "*Elections at a crossing point: Considerations for electoral design in post-coup Myanmar*" which outlines key areas to consider for genuine democratic elections in the emerging new constitutional context: the overall electoral legal framework, electoral system choice, electoral management, voter registration, including a clear framework for suffrage rights, and electoral dispute resolution.



AGENDA

Event: Conference Room Paper Launch by the UN Special Rapporteur on the situation of human rights in Myanmar — **Illegal and Illegitimate: Examining the Myanmar Military’s Claim as the Government of Myanmar and the International Response**

Location: United Nations, Conference Building, Conference Room 8

Date/Time: Tuesday, 31 January 2023, 11:30-13:00 (New York Time)

Moderation: Annika Silva-Leander, Head of North America & Deputy Permanent Observer to the United Nations, International IDEA

11:30 – 11:40 Welcome and Introduction

Ambassador Robert Rae, Permanent Representative of Canada to the United Nations and Chair of the Group of Friends of Myanmar

11:40 – 12:50 Presentation of *Illegal and Illegitimate: Examining the Myanmar Military’s Claim as the Government of Myanmar and the International Response* - UN Special Rapporteur Tom Andrews

Presentation of *Elections at a crossing point: Considerations for electoral design in post-coup Myanmar* – Marcus Brand, Head of Myanmar Programme, International IDEA

Discussion and Q&A

12:50 – 13:00 Closing