

The Role of UNHCR in the Stagnation of International Intervention towards Victims of the Coup Conflict in Myanmar as an Effort to Maintain Peace

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ABSTRACT

Myanmar is a country in Southeast Asia with a dire humanitarian crisis that is marked by the existence of conflict and humanitarian issues. The military's arbitrariness against civilians, from ethnic cleansing and genocide of the Rohingya ethnic minority to bloody coups, could not be suppressed due to technical and non-technical constraints. Civil society and the military organization are interrelated in Myanmar, and the country uses the strong relations between the two as best as it can for its internal interests to protect itself from foreign intervention. From a geographical point of view, Myanmar is located in the Southeast Asian region, with ASEAN as its regional organization. ASEAN is a unique regional organization whose member-states adopt a special principle called the principle of non-interference. According to the principle, all acts of interference from other countries are considered a violation and become an international crime when viewed from the Jus Cogens legal principle. This study then discusses the role of UNHCR as a facilitator to create peace by maintaining human rights. A qualitative method was then adopted to conduct the study, with data collection based on the news, journals, reports, and books. This study examines the concepts of democracy and human rights as an introduction to internal conflict in Myanmar and uses the concept of humanitarian diplomacy as an analysis of the role of UNHCR in Myanmar.

Keywords: ASEAN, Democracy, Intervention, Humanity, Military Coup, UNHCR

Myanmar merupakan negara di Asia Tenggara dengan krisis kemanusiaan buruk yang ditandai dengan adanya isu konflik dan kemanusiaan. Kesewenangan militer terhadap warga sipil dimulai dari pembersihan etnis dan genosida etnis minoritas Rohingya, hingga kudeta militer yang tidak bisa diredam karena kendala teknis atau non-teknis. Keduanya saling berkaitan dan Myanmar memanfaatkannya sebaik mungkin untuk kepentingan internal untuk melindungi diri dari intervensi pihak asing. Ditinjau dari sisi geografis, Myanmar berada di wilayah Asia Tenggara dengan ASEAN sebagai organisasi internasional regional. ASEAN memiliki asas istimewa terhadap negara anggotanya untuk memberlakukan asas non-interference. Dengan begitu segala tindakan campur tangan dari negara lain dinilai sebagai sebuah pelanggaran dan menjadi sebuah tindakan kejahatan internasional apabila dipandang dari asas hukum Jus Cogens. Penelitian ini membahas tentang peran UNHCR sebagai fasilitator untuk menciptakan perdamaian dengan memelihara hak-hak atas kemanusiaan. Dengan berbasis pada berita, jurnal, laporan, dan buku sebagai hasil penjelasan dan telaaahnya, sehingga tulisan ini bermetodekan kualitatif. Penelitian ini dikaji melalui konsep demokrasi dan HAM sebagai pengantar atas konflik internal di Myanmar, dan menggunakan konsep humanitarian diplomacy sebagai analisa atas peran UNHCR di negara Myanmar.

Kata Kunci: ASEAN, Demokrasi, Intervensi, Kemanusiaan, Kudeta Militer, UNHCR

This article discusses the role of the United Nations High Commissioner for Refugees (UNHCR) in a country undergoing civil conflict due to a coup carried out by the military junta against the democratic government. In February 2021, Myanmar declared a state of emergency for a year because of an agitated issue with the government. After the National League for Democracy (NLD) led by Aung San Suu Kyi won the election, the military seized control over the sovereign government, causing the legitimate power struggle to turn into a coup practice (Stokke et al. 2015). Quoting from Reditya (2021), the military did the coup because they believed that the NLD party had conducted fraud during the election process and unilaterally declared that Myanmar was in a national emergency.

According to Satjipto Rahardjo (1983), when the law is no longer enforced, individuals or groups may say that the law has lost its essence as an enforcer and can no longer be referred to as a law. Therefore, the law can be called consistent if the understanding of the law is implemented and enforced. In everyday life, the will of the law is carried out by the people themselves. That is why the international community, with its structure, tried to exert a strong influence on the efforts and methods of law enforcement in Myanmar. Moreover, since all acts of coups are manifestations of a legitimate usurpation of power, the presence of international parties with their influence is expected to provide a glimmer of hope and support for civil rights (Rahardjo 1983).

In almost every history of a coup, there are always civilian casualties and bloodshed during the event. The case of the coup in Myanmar is indifferent, and even it can be said that the number of victims has been relatively abundant. According to the Anadolu Agency, sourced from the Association for Political Prisoners (AAPP), as of September 2021, the civilian casualties of the coup have reached 1,105 people, including 12 deaths (Halim 2021). AAPP also reported that around 6,572 people were detained, 276 were sentenced directly, and 118 were sentenced in court in absentia. Furthermore, at least 65 people were sentenced to death directly or through an in-trial hearing in absentia. The coup was getting even more disheartening, for it was known that after the massacre of the pro-democracy demonstrators, the military still had the

time to party (BBC 2021).

From the humanitarian perspective, the in absentia sentencing of the pro-democracy demonstrators by the military junta during the coup is an action that should not be overlooked. In Latin, the legal term 'in absentia' has a literal meaning of "by absence." When juxtaposed in legal terms, the meaning of court in absentia is an act to try someone and punish them without presenting the defendant (Lawrence and Boydston 2017). We later saw and noticed that the in absentia sentencing by the Myanmar military junta is a form of human rights violation since it represents the arbitrariness of the military in judging civilians haphazardly. In addition, the action also indicated that the Myanmar military junta coup was bloody. Those are why the international society gets vocal against the military junta in Myanmar with various existing mediation efforts (Hufon & Rubaie Advocates 2020).

Referring to what has been explained above, this article aims to examine the phenomenon of violations of humanitarian acts committed by the Myanmar military junta. The discussion will later be focused on how international parties are interested in Myanmar's internal affairs. International justice always revolves around two important axes of global issues: an attempt to exist for democracy as a system or an effort to enforce justice for victims of abuse of power. It is also interesting to note the role United Nations High Commissioner for Refugees (UNHCR) played because UNHCR was concerned with protecting humanitarian victims as it is the body's establishment's primary role and background. Thus, this article's research question begins with, amid the stagnation of international intervention, how are UNHCR's efforts in maintaining peace and protecting humanity in the Myanmar armed coup conflict?

Past Literature on Myanmar's Democratization Process and the Coup

Myanmar's struggle for democracy has been an issue for some time now, and various past literature has tried to assess the matter. Some titles of the previous articles are "Prospek Demokrasi di

Myanmar” (Firnas 2003), “Pelaksanaan Prinsip-Prinsip Demokrasi dan AM di Asean: Studi Kasus Kamboja, Laos, Myanmar, dan Vietnam” (Sinaga 2013), “Discipline Without Democracy: Military Dominance in Post-Colonial Burma (Farrelly 2013), “Myanmar: Military Politics and The Prospects for Democratization” (Taylor 2010), “Civil Society And Expectations Of Democratisation from Below: The Case of Myanmar” (Matelski 2013), “Myanmar Under the Military Rule 1962-1988” (Devi 2014), “Democratic Changes and The Rohingya in Myanmar” (Lee 2015), “Opportunities and Challenges of Democratisation in Myanmar” (Hellmann-Rajanayagam 2017), “The Rohingya Crisis in Myanmar: Origin and Emergence” (Sohel, 2017), “Electoral System, Ethnic Parties, and Party System Stability in Myanmar” (Tan and Preece 2020), and “The Politics of Myanmar’s Agrarian Transformation” (Ra et al. 2021).

Apart from the general issue of Myanmar’s democratization struggle, there have also been works that discuss the military coup in the country, such as “Kudeta Myanmar: Junta Militer di Era Modern”, “The 2020 Myanmar Election And The 2021 Coup: Deepening Democracy Or Widening Division?” (Kipgen 2021), “Myanmar’s Military Coup and The Elevation Of The Minority Agenda?” (Thawngmung and Noah 2021), “Covid-19: Military Coup in Myanmar Sees Virus Response Crumble As Doctors Are Arrested” (Mahase 2021), “Military Coup during COVID-19 Pandemic and Health Crisis in Myanmar” (Han et al., 2021), “Myanmar coup: how the military has held onto power for 60 years” (Charney 2021), and “Revolutionary Responses to the Myanmar Coup” (Freeman and Kabya 2021). Meanwhile, in a more specific manner, a few articles focus on examining how international society responded to the coup in Myanmar, such as “Pengaruh Prinsip Non-Intervensi ASEAN Terhadap Upaya Negosiasi Indonesia dalam Menangani Konflik Kudeta Myanmar” (Ramadhani and Mabrurah 2021), “Dampak Prinsip-Prinsip Dasar ASEAN Terhadap Pola Kerjasama ASEAN Menghadapi Krisis Kudeta Myanmar” (Putri et al. 2021), and “Krisis Politik Myanmar dan Intervensi ASEAN” (Hidriyah 2021).

to applying the legal rules and norms. The author also uses conceptual and case study approaches to conduct this research. Since this is doctrinal legal research, the author uses secondary data sources. The secondary data consists of binding primary legal materials such as the United Nations Charter or the Charter of the United Nations and the Statute of the International Court of Justice 1945, then the Universal Declaration of Human Rights or the 1948 Universal Declaration of Human Rights, the Civil Rights Covenant and Politics or the International Covenant on Civil and Political Rights 1976 and also from the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations 1986 (Melander et al. 2004). To obtain some of the primary laws mentioned above, the author uses a handbook from a private library entitled Raoul Wallenberg Institute's Compilation of Human Rights Instruments Library as a means to facilitate the author in understanding the context of events that occurred in Myanmar. Meanwhile, the author uses qualitative methods to collect secondary legal material sources through books, articles, journals, and papers relevant to this article.

Key Concepts to Understand the Humanitarian Issues of Myanmar's Coup and the International Intervention

Democratization and Human Rights

The classical theory of democracy was defined by Joseph Schumpeter with the terms "will of the people" as the source and "common good" as the goal (Nihiroh et al. 1942). However, over time, this definition has shifted to the "democratic method," which is an institutional procedure for reaching political decisions in which individuals gain the power to make a decision or policy competitively to gain votes from the people. Meanwhile, according to Jack Snyder as quoted by Sahide (2019), there are two kinds of classification in democratization. First, there are mature democracies, and second, there are countries that are still on the way to democracy or can be labeled as democratizing states.

Apart from democratization, human rights are another essential concept to comprehend. In his writings, Triyanto (2013) explains that human rights can be interpreted as the rights a person has because of their existence as a human being. This right comes from human moral thinking and is needed to maintain the dignity of an individual as a human being. In other words, human rights can be defined as inherent in all human beings so that their existence is recognized without distinction of sex, race, skin color, language, religion, politics, citizenship, wealth, and birth.¹ In Yani (2006) opinion, in essence, all categories of human rights are universal, interdependent, and interrelated. Thus, the international community should properly enforce human rights fairly, based on equality and equal emphasis. According to Effendi (1994), who quoted John Locke, human rights are rights given directly by God as a natural human right. However, Sinaga (2013) sees that international law has a dual quality in the context of human rights because it creates barriers to the adequate protection of human rights while also providing a means to overcome various obstacles.

Humanitarian Diplomacy

The discussion about humanity entered the study of International Relations (IR) when the concept was introduced in the early 2000s. According to Subandi (2016), who quoted Antonio Doni, humanity is no longer projected as a moral movement but has shifted to become an issue in IR. Humanity connotes three separate but overlapping parts in reality: an ideology, a movement, and a profession (Subandi 2016). In light of the growing importance of the discussion on humanity, the concept of humanitarian diplomacy was then born, which of its several aims is to become a means to persuade decision-makers and opinion leaders to act at any time for the benefit of vulnerable people with matters that endanger their humanity both physically and mentally.

According to de Lauri (2018), humanitarian diplomacy has a specific purpose: to mobilize public support, government, and resources for humanity-related issues. Through humanitarian diplomacy, it is hoped that the conduct of humanitarian programs can be more effective and can facilitate effective partnerships to respond to

¹ United Nations Universal Declaration of Human Rights articles 1 and 2

the necessity of people in need (Lauri 2018). Meanwhile, many discussions and procedures in humanitarian diplomacy include advocacy, negotiation, communication, formal agreements, and other actions. As such, this study is a field that involves many actors, including governments, international organizations, non-governmental organizations (NGOs), the private sector, and individuals (Griffoli and Picot 2004).

Democracy and Human Rights in Myanmar

Today, the obligation to respect human rights is a widely accepted norm, for instance, as has been agreed by the member states of the European Council on 4 November 1950 through the European Convention on the protection of human rights in article 1. The Convention agreed that each state party must guarantee each person's rights in their respective jurisdictions. The norm to protect human rights is then reaffirmed in the first part of the Convention that regulates the rights and obligations of every human being, such as article 2, paragraph 1 regarding the right to life which reads, "Everyone's right to life must be protected by law. No one may be deprived of his life intentionally, except in the implementation of the law by the court after he has been tried for a crime which is punishable by punishment under the law" (Melander et al. 2004). Reflecting upon the existing international norms, it is then clear that there is an imbalance in the enforcement of human rights in Myanmar, especially before the military apparatus carried out the coup action, genocide, and ethnic cleansing against Rohingya people from the Indo-Aryan ethnicity who lived in the Rakhine district. The arbitrariness and human rights violations of the Myanmar military apparatus could also be seen after the coup by kidnapping the pro-democracy demonstrators and shooting them to death for no apparent reason (Sohel 2017).

The current situation in Myanmar cannot be separated from the history of Myanmar's security politics, which dates back to pre-colonial and colonial times. According to Devi (2014), the security policy, in the end, has a close relationship with the construction of the identity of the Myanmar nation itself (Devi 2014). If we trace back to the pre-colonial period, Myanmar used to be ruled by

three dynasties: the Pagan/Bagan dynasty, the Taunggo dynasty, and the Konbaung dynasty. One of the pioneers of the national movement in 1906 was the Young Men's Buddhist Association (YMBA) which took advantage of the colonial government's policy not to prohibit religious struggle. It was through them that they were prompted to form the Peoples (Socialist) Party in 1939, led by Aung San (Aung San Suu Kyi's father) and Than Tun, which aimed to save the reputation of the military, protect the values of Buddhism, education and a just economy (Sinaga 2013).

In view of the fact that Aung San Suu Kyi's father has fought and stood above military identity, a paradox can be spotted if we insist on leading the opinion that military leadership can be wrong. Nonetheless, we also cannot deny that democracy has come and filled the void of the political system in Myanmar, which was fought for by her son Suu Kyi herself (Prasse-Freeman and Kabya 2021). Suu Kyi, who has a Western educational background, understands better to create a peaceful life by democratizing her country in line with the times and globalization. The focal point then focuses on the military's way of forcibly taking the victory of the democratic political system and throwing Suu Kyi into custody under the pretext of cheating. However, more than just trying to oppose Suu Kyi's revolutionary democracy movement, the military junta also tarnished Myanmar's face by providing extremist behavior by killing pro-democracy masses and unilaterally punishing them through trials *in absentia* (Taylor 2010).

Execution *in absentia* by the Military Junta in Myanmar

The *in absentia* sentencing and execution conducted by the military junta are apparent human rights violations because the meaning of court *in absentia* is an act to prosecute and punish someone without presenting the defendant (Hufron & Rubaie Advocates 2020). Moreover, the action can also be considered a violation of international law since the United Nations General Assembly already adopted a declaration on 29 November 1985 that condemned the government's abuse of power toward its people. The declaration made by the General Assembly also clearly states that the victims of crime have the right to access and

obtain justice and fair treatment with love and respect for their dignity. Furthermore, according to the declaration, victims have the right to have the opportunity to use justice mechanisms and obtain compensation for the losses they have suffered. Therefore, the declaration is very relevant to the current conditions in the military in Myanmar, considering the military's actions to punish unilaterally through trials in absentia.

The actions taken by the Myanmar military have been proven wrong by violating the contents of the declaration. Meanwhile, according to the General Assembly's 1985 declaration, victims have the right to access court and administrative mechanisms to obtain compensation through formal and informal procedures. The presence of the victims or defendants in the court is also vital to ensure that they have the right to get restitution or compensation, whether to themselves if they are still alive or to their families or third parties. In the event of a victim of abuse of power, according to this declaration, states should consider negotiating multilateral international agreements, as set out in paragraph 18. In addition, states should also consider including in their national law norms prohibiting the abuse of power, such as the practice of military coups carried out by the Myanmar military (Melander et al. 2004).

Stagnation of International Intervention in Solving the Ongoing Humanitarian Crisis in Myanmar

ASEAN Non-Interference Principle

According to Hidriyah (2021), the practice of a coup carried out by a country is very likely to have humanitarian consequences that even cause the fall of victims, considering that a forced power struggle will be minimal in involving political actors to carry out strategic lobbies. A coup also has a high probability of failure, either because of political ambition or an immature system. Hence, it is not surprising that the pro-democracy mass victims were overthrown by the coup d'état, which incidentally was from the military. In this way, the ongoing political crisis in Myanmar will undoubtedly cause concern and can disrupt regional stability in Southeast Asia and significantly affect the ASEAN member

countries (Renshaw 2013).

The critical condition of democracy in Myanmar certainly alarmed ASEAN because politically, Myanmar is part of its member-states, while regionally is precisely in the coverage of the Southeast Asian region. In a meeting, Indonesian Foreign Minister, Retno Marsudi, revealed that all ASEAN members are required to carry out the principles and values written in the ASEAN Charter, one of which is the principle of non-interference. However, Retno Marsudi also called all the member-states to respect other principles and values in the ASEAN Charter, namely democracy, respect for human rights, good governance, the rule of law, and constitutional government. The emphasis on the values and principles that ASEAN uphold needs to be made because Myanmar constantly argues with the principle of non-interference; the country is free and immune from international criticism (Ramadhani and Mabrurah 2021)

From the perspective of ASEAN's non-interference principle toward international efforts in dealing with the coup conflict in Myanmar, two sides can be considered: profit and loss for elites and civilians. On the one hand, upholding the principle of non-interference by ASEAN will allow member countries to regulate their internal problems without interference from other countries (Hidriyah 2021). Meanwhile, on the other hand, the implementation of the principle makes international society unable to intervene in Myanmar, and that way, pro-democracy victims will be harmed. The existence of the principle becomes a barrier for ASEAN member countries or non-ASEAN countries to implement any mechanisms to save the fate of Myanmar's democracy from authoritarianism, namely the coup conflict (Putri et al. 2021). With this principle, pursuing justice and establishing human rights in Myanmar will also be challenging. In this dilemmatic situation, the last resort of the masses is to mobilize people's power to force democratization in Myanmar. However, the last option is risky because the military can easily kill civilians who attempt to conduct the revolt (Ramadhani and Mabrurah 2021).

Humanitarian Intervention Efforts

According to Hendra (2015), political, legal, and military relations are often involved with the obligation to maintain state security

and sovereignty by protecting the people in their country. Hence, since the ASEAN principle of non-interference cannot work to pressure the Myanmar military, we are trying to demonstrate another alternative solution in the form of military intervention. When there is military intervention, it means that it has entered the realm of humanitarian intervention. Ashari (2020) explained that humanitarian intervention is equivalent to the act of sending troops to a country to protect unarmed civilians threatened by violence or mass killings (Ashari 2020). Military intervention is usually carried out by the country with the highest world power, in this case, the United States (US), as the promoter of democracy.

In Murtadho's (2014) writings, military intervention is defined as the use of force across national borders for justice reasons by sending military expeditions (Murtadlo 2014). The justification underlying the military expedition is creating world peace and security by stopping human rights violations. In this case, military intervention is considered part of the solution to stop the internal war. Additionally, Christmas and Setiyono (2019) explained that domestic and international considerations are the factors that influence military intervention decisions. That is why after the bloody coup, the US immediately responded, through President Joe Biden, that the US wanted to impose sanctions on Myanmar if the country was unable to control its country until indications of non-conflict or conducive conditions emerged. In his interview, Biden said that the international community must unite with one voice to pressure the Myanmar military and instructed it to immediately relinquish the power they seized by releasing activists and officials captured by the military (Asriya 2021).

International Constraints to the Jus Cogens Principles

At a glance, humanitarian or military intervention indeed can be one of the possible solutions to solve the humanitarian crisis caused by the military coup in Myanmar. However, when assessed legally through the existing international law, the act violates the Non-Intervention Principle, namely the peremptory norm or *jus cogens*. *Jus cogens* is a widely accepted international norm written in the United Nations Charter. Article 2, paragraph 4 of the United Nations Charter (Charter of the United Nations and Statute of the International Court of Justice) reads: "All members

in their international relations should abstain from threatening or using violence against the territorial integrity or political independence of a country otherwise or in any way contrary to the purposes of the United Nations” (Melander et al. 2004). *Jus cogens* are norms that cannot be neglected or set aside in their application in international law, even under any circumstances without exception. In principle, *jus cogens* is a rule that limits the will of the state, namely a military intervention policy issued by the United States if it wants to send its military to Myanmar. These rules are within the scope of threatening legal rules, as stated in Article 53 of the 1969 Vienna Convention (Vienna Convention on the Law of Treaties 1969).

According to Christmas and Setiyono (2019), the international legal instrument of the UN Charter states that intervention is prohibited because it is against the principles of international law in maintaining world peace and security. However, in the context of collective intervention, within the authority of the UN Security Council, intervention can still be done if it does not conflict with the regulations in Article 2, paragraph (4) of the UN Charter. The *jus cogens* principle as coercive international legal norms stipulates that intervention is an act that is contrary to and prohibited in international law, and vice versa, in international relations (Christmas and Setiyono 2019). Even though it is aimed at humanity and human rights, this cannot be justified if it has entered the political realm of a country in influencing the sovereign integrity of a country, in this case, Myanmar, because according to the International Court of Justice, military intervention is the same as armed violence. Moreover, the coup phenomenon is also an act of human rights violation.

The Prospect of UNHCR as an International Effort to Manage Humanitarian Crisis in Myanmar

UNHCR, which should not be mistaken as United Nations Human Rights Council (UNHRC), is the high commissioners at the United Nations headquartered in Geneva, Switzerland. UNHCR is an international organization whose mandate is to provide protection and assistance in meeting the basic needs of asylum seekers and

refugees in collaboration with several partners (Santi 2017). According to article 1 of the Convention concerning the status of refugees, someone can be considered a refugee if they fulfill the requirements according to the Constitution of the International Refugee Organization, which is forcibly displaced due to an event or extreme fear of being tortured for reasons of race, religion, nationality, membership of a group, and/or particular social or political opinion (Melander et al. 2004). In the political turmoil in Myanmar, UNHCR then highlighted the increasing fighting between the military and armed ethnic organizations in the border areas and that solutions must be found for the problems that have emerged.

According to Wallace (2002), quoting Gillian Triggs, Assistant to the High Commission for Protection at UNHCR, in his official statement, the primary role of UNHCR is to provide shelter to refugees according to the principle of non-refoulement, which is an international principle to protect asylum seekers. Even though UNHCR does not have the power to impose legally-binding sanctions, the organization strongly encourages all countries to uphold the principle (Kurnia 2021). The Office of the United Nations High Commissioner for Human Rights (OHCHR) confirmed that security forces killed at least 510 peaceful protesters in Myanmar. There were also 2,600 people detained, including many detained indefinitely or forcibly disappeared. The officers are said to often look for their targets at night (Kurnia 2021). Launching from the Kompas news channel sourced from CNN's June 2021 output, it was reported that there were around 177,000 Myanmar people who had taken refuge in the Karen state bordering Thailand, and in May, there were 103,000 of that number also including from the states of Kachin and North Shin (Sicca 2021).

Amid the humanitarian crisis in Myanmar, using its procedures which include advocacy, negotiation, communication, formal agreements, and other actions, UNHCR tried to lobby Thailand to provide access to the refugees from Myanmar. Furthermore, UNHCR tried to provide protection and efforts to maintain survival and peace in areas of internal conflict in Myanmar. According to Media Indonesia, more than 3,000 Myanmar refugees have fled to the country to escape fighting in the conflict-torn Karen

region (Winahyu 2021). That way, it can be said that the safest way for international intervention to intervene in the political crisis wrapped in humanity in Myanmar is through UN agencies that directly target the victims or civilians. This action allegedly does not offend any political and ethical boundaries in a conflicted country such as Myanmar, which is strongly protected by the innate non-interference principle of the ASEAN Community.

Conclusion

The stagnation of international intervention to solve the humanitarian crisis in Myanmar after the military junta coup is considered severe by the international community. Despite being a member of ASEAN, which strongly promotes the value of democracy and the rule of law, Myanmar has a dark history regarding implementing democracy as a political system due to its strong civil-military relations. More than just overthrowing the democratic government, the military junta imposed many arbitrary actions against the people through acts of cruelty and the non-enactment of legal norms with courts in absentia. Meanwhile, amid the ongoing humanitarian crisis in Myanmar, ASEAN is powerless to intervene due to the non-interference principle that the organization has upheld since its founding. On the international level, the option to conduct humanitarian intervention is also impossible to be taken because it can be seen as an international violation of the *jus cogens* principle. Hence, this article eventually finds and concludes that the only intervention possible to be executed to manage the humanitarian crisis is through UNHCR. As one of the agencies that operate under the United Nations, UNHCR has the capacity to enforce humanity with its procedural capabilities to lobby Thailand and its surrounding countries to grant asylum to refugees from Myanmar. The actions of UNHCR can be considered safe in terms of maintaining and preserving humanity and peace, but unfortunately, they will not change the situation in Myanmar.

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