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The Responsibility to Protect norm cluster and the challenge of atrocity prevention: An analysis of the European Union's strategy in Myanmar

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Abstract

This article investigates the complex relationship between atrocity prevention and other related – yet distinct – norms of the Responsibility to Protect (R2P) norm cluster. It analyses how this cluster operates to help states, and other actors, properly discharge their responsibility. Central to the analysis is the realisation that abstractly aligned norms can clash in practice. Based on an extensive analysis of the 67 European Union (EU) documents and statements referring to R2P, and drawing on elite interviews with EU diplomats, we find that atrocity prevention has been 'grafted' onto the EU's other normative commitments – including conflict resolution and democracy promotion – without sufficient acknowledgment of the cluster's complexity and the need to prioritise atrocity prevention vis-à-vis these other linked norms. We ask whether this framing not only filtered, but diluted, the normative power of atrocity prevention, leading to policies that manifestly failed to prevent the genocide that occurred in Myanmar from 2017. We find that the grafting of atrocity prevention onto related yet distinct norms contributed to an underestimation of the threat of genocide and a misplaced faith in the ability of democratic transition to prevent atrocity. However, we also find that factors unrelated to the normative framing of R2P influenced the EU's willingness and ability to respond to atrocity crimes that occurred in the lead up to the genocide that began in 2017. The article contributes to our understanding of the as yet unstated normative implication of clustering norms and the EU's implementation of R2P.

Keywords

Responsibility to Protect, norm clusters, atrocity prevention, Myanmar, European Union, democracy promotion, conflict prevention

Introduction

Following decades of armed ethnic conflicts and military rule, the situation in Myanmar started improving in 2011 when a 'hybrid' system of government began. The military still retained key powers, but the administration also included civilians. In 2015, elections and a ceasefire agreement between the government and eight armed ethnic groups marked progress towards a more peaceful Myanmar. However, instability remained high in several regions such as Kachin, Shan and Rakhine State. The Rohingya, a Muslim minority residing in Rakhine State, were considered to be stateless and had not benefited from basic rights since the 1982 Citizenship Law did not list them as one of the 135 national ethnic groups of Myanmar. Though the nominally civilian government sought to address communal tensions in Rakhine State (Haacke, 2016: 808-812), it was not helped by the rise of hardline Buddhist nationalism. In that context, the Rohingya were targeted in several waves of atrocities by the *Tatmadaw* – Myanmar's armed forces – in particular in 2012, 2015 and 2016. While other minorities were affected, this article focuses on their plight as victims of the 2017 'clearance operations' (APHR, 2018; Human Rights Council, 2018) which led to a humanitarian emergency involving what the United Nations (UN) Refugee Agency estimated to be over 742,000 refugees (UNHCR, 2019).

A report published on 24 August 2018 by the Independent International Fact-Finding Mission on Myanmar (Human Rights Council, 2018: 19) concluded that 'the gross human rights violations and abuses committed in Kachin, Rakhine and Shan States … undoubtedly amount to the gravest crimes under international law' and argued that the perpetrators must be investigated for genocide, crimes against humanity and war crimes (Human Rights Council, 2018: 1). This followed what the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein (2017b; see also Guterres, 2017) had previously described in September 2017 as a 'textbook example of ethnic cleansing'. These findings firmly place the Myanmar situation in the normative context created by the Responsibility to Protect (R2P).

In 2005, UN member states accepted their collective responsibility to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing (UN General Assembly,

2005). Yet for civil society organisations committed to strengthening that responsibility, Myanmar had always been a cause for particular concern. The Global Centre for the Responsibility to Protect (GCR2P) and the Asia-Pacific Centre for the Responsibility to Protect (APR2P), for instance, had long identified the vulnerability of the Muslim population (see for example GCR2P, 2010a, 2010b; Morada, 2012; see also Green, MacManus and de la Cour Venning, 2015). Likewise, states and international organisations, who were committed to R2P and closely engaged with Myanmar, were not blind to the second-class status of the Muslim minority (see for instance the various reports of the Special Rapporteurs on the situation of human rights in Myanmar; Council of the EU, 2013a: 2). So what went wrong? Why did the strategies of the international community fail to prevent the genocide?

One argument recently put forward claims that the international community failed to prevent these atrocities because key actors prioritised democracy promotion over atrocity prevention. For instance, the December 2017 report by the United Kingdom (UK) House of Commons Foreign Affairs Committee (2017: 3) argued that the crimes were 'entirely predictable', but concluded that there had been 'too much focus by the UK and others in recent years on supporting the "democratic transition" and not enough on atrocity prevention and delivering tough and unwelcome messages to the Burmese Government about the Rohingya.' Likewise, Simon Adams, Director of the GCR2P, has criticised governments, telling the UN that 'democracy in Myanmar cannot be built on the bones of the Rohingya.' This comment was 'a response to those who see these atrocities as unconscionable, but ultimately, as a lesser priority than the political preservation of Myanmar's frail democracy under Aung San Suu Kyi' (GCR2P, 2017).

In this article, we investigate whether this was the case with respect to EU policy towards Myanmar. This is a good case because since 2012, as we demonstrate, the EU established a strong relationship with Myanmar. It therefore had some (if not decisive) leverage and, given its commitment to R2P, an interest in using that leverage to protect vulnerable populations. Our analysis shows that in contrast to what has been argued by the Foreign Affairs Committee and others, the EU's policy towards Myanmar cannot be reduced to the implementation of one norm

(democracy promotion) instead of another (atrocity prevention). This is because we found that atrocity prevention was 'grafted' onto 'aligned, but distinct' (Lantis and Wunderlich, 2018: 570) norms of what we refer to as the R2P 'norm cluster' (Winston, 2017). More specifically, and as explained in more depth in section 2, the EU linked atrocity prevention to other norms such as conflict prevention, human rights, democracy and good governance without any acknowledgement that these norms – which appear aligned in theory – can clash in practice. This contributed to a view that by preventing conflict and promoting democracy, the EU was acting appropriately and in line with the atrocity prevention norm. However, framed this way, EU strategy contributed to the underestimation of the threat of genocide facing the Rohingya.

Drawing on elite interview data, we also found that while the clustering of norms led to an underestimation of the threat, other factors unrelated to the normative framing of R2P contributed to what R2P experts have called a 'weak response to mass atrocities' (Smith, 2018: 17). These include doubts about the consequences of sanctions, the evidentiary standards that are required to justify the kind of 'targeted' sanctions that were deemed appropriate in this instance, and the difficulties of formulating a common policy in the EU context, especially in light of the interests some of the member states had in Myanmar. We conclude, however, that these other factors were significant only in the sense that they explain why the process of implementing a tougher response to the threat of genocide was drawn out. The reason that process did not start earlier is still linked to the way EU strategy grafted the atrocity prevention norm onto other norms. This ultimately diluted the normative power of atrocity prevention and reduced its ability to influence policy.

To develop this argument, we first set out how atrocity prevention is subsumed by a broader R2P 'norm cluster' and how understanding this can help analysts and policymakers navigate the complexity created by linking otherwise distinct norms. The second section begins the assessment of our case study by analysing how the norm at the abstract core (Deitelhoff, 2019) of the R2P cluster – protecting vulnerable populations by preventing atrocity situations – was framed in EU strategy. To do this we analyse 67 EU documents and statements referring to R2P.

We also draw on Amitav Acharya's concept of localisation, which encourages us to look at 'preconstructed normative beliefs and practices' (2004: 269) to determine the properties of R2P that were being integrated into EU strategy. In the third section, we ask whether this framing not only filtered, but also diluted, the normative power of atrocity prevention, leading to policies that manifestly failed to prevent the genocide that occurred in Myanmar in 2017. In the final section, we draw some policy implications for atrocity prevention strategies in the EU and more generally.

R2P as a complex norm cluster

R2P has been called 'complex' (Welsh, 2013, 2014, 2019). This can partly be explained by the fact that it is both proscriptive and directive. It not only reaffirms the four acts – genocide, war crimes, crimes against humanity and ethnic cleansing – as wrong, but it also demands that states (and regional organisations) as members of the international community, protect vulnerable populations from such crimes. The complexity of R2P is deepened by the fact that while the proscriptive aspects are easier to identify as they imply respecting the legislation criminalising such acts, the directive aspects of R2P are more difficult to pin down. R2P 'does not specify a single or particular behaviour from states or other international actors' (Welsh, 2019: 54). How best to protect vulnerable populations in the context of political pluralism varies according to the contingencies of the particular crisis.

It is the lack of specificity when it comes to the positive duties associated with the norm that makes R2P prone to what Deitelhoff and Zimmermann (2019) identify as 'applicatory contestation' (see also Welsh, 2019: 26; Deitelhoff, 2019: 163-164). As Deitelhoff (2019: 152, emphasis added) writes with respect to R2P, 'the norm has faced applicatory contestation, questioning *its* appropriateness in specific situations or the kind of actions to be legitimately applied in a specific situation.' This is correct, but our contention is that there is no singular R2P (as implied in the above emphasis). It should instead be understood as a 'cluster' (Winston, 2017) or 'bundle' (Bloomfield and Scott, 2016; Orchard, 2015; Finnemore, 1996: 161), which links atrocity prevention – the norm that is at the core of the R2P cluster – with 'aligned but distinct norms' (Lantis and Wunderlich, 2018: 570; see also Hofmann and Suthanthiraraj, 2019). The kind

of norms and principles included in the cluster may vary from one actor to the other. For instance, the UN's definition of the cluster (discussed in more depth later in this section) does not exactly match the one adopted by the EU (discussed in section 2), but within the R2P norm cluster, both actors link atrocity prevention to conflict prevention and democracy promotion (understood as 'supporting human rights, democratic reform and political participation and representation'; European Parliament, 2019), on which this article focuses.

The conditions under which norm clustering occurs remain widely unexplored and is beyond the scope of this article, but two factors can be emphasised to explain their emergence. First, in some cases, norm clustering enables actors to claim they are implementing a norm by linking it to another norm they are actively promoting. In this case, actors can affirm they are fulfilling their responsibility to protect populations from mass atrocities by, for instance, promoting democracy, when in fact they could underestimate the threat of atrocity crimes and miss opportunities to prevent them. Second, as explained in more depth in this section and Section 2, distinct norms are also linked because their purpose is clearly aligned in ways that form a coherent cluster, at least conceptually. As Winston (2017: 10) explains, each norm is indeed 'understood to be an "appropriate" means of addressing the more general problem that motivates norm cluster adoption', which in the case of the R2P norm cluster is atrocity prevention.

Coming back to why R2P is a complex cluster, because applying R2P prompts contestation, it is also difficult to know when a state's responsibility has been properly discharged. This is significant because international and civil society is interested in helping states meet their responsibilities and holding them to account by shaming them when they do not. This might prompt calls to clarify the directive aspect of R2P. The structuralism of early norm research, for instance, judged the effectiveness of a norm based on the 'uncontested stability' of its meaning and the power of the sanction it legitimises (Deitelhoff, 2019: 158-162). However, a new wave of norm studies illustrates how an agency-centred approach that focuses on applicatory discourses can enhance a norm's legitimacy (Wiener, 2018). Applicatory contestation that does not challenge the abstract values at its core – e.g. protecting vulnerable populations by preventing

atrocity crimes – can also make sure the norm is not dismissed by practitioners for being too idealistic (Deitelhoff, 2019; Deitelhoff and Zimmermann, 2018, 2019; Welsh, 2019).

Indeed, this kind of pragmatism characterises R2P's framing in the World Summit outcome document (UN General Assembly, 2005). Paragraph 139 insists that states take timely and decisive 'collective action' acting 'through the Security Council' on 'a case by case basis.' This acknowledges that R2P situations are not alike and different responses may be justified (Gallagher, 2015). An analysis of how well a state discharges its responsibility to protect therefore involves an agency-based approach (Bucher, 2014), which assesses the judgements of decision-makers, including their ability to engage in applicatory contestation and justification so as to avoid the inappropriate application of directives that may well be unsuitable to the concrete situation (Ralph, 2018).

Another aspect of R2P's complexity is the distinction between *reacting* to atrocities and *preventing* them. A successful strategy of prevention means acting early in a way that 'not only increases the likelihood of being able to address latent risks before they escalate, but is also more cost-effective' (Ban, 2014: 5; Adams, 2019). As R2P has evolved conceptually, the UN (2014; see also USAID, 2015) has produced a 'toolkit' that can inform preventative practice and act as a standard against which international and civil society can judge states claiming to implement R2P. *Framework of Analysis for Atrocity Crimes: A Tool for Prevention* (UN, 2014) identifies eight risk factors common to the occurrence of atrocity crimes and two risk factors specific to genocide, crimes against humanity and war crimes. This knowledge, the *Framework* claims, enables states to understand atrocity crimes as dynamic processes that offer 'entry points for action to prevent their occurrence' (2014: 3-4).

This initiative constitutes a first step towards the adoption of an 'atrocity prevention lens' (Bellamy, 2015a), which has been promoted by R2P and atrocity prevention advocates. As Woocher (2012: 27) notes, these advocates 'seek to articulate more clearly the uniqueness of "R2P prevention" to distinguish it from other international agendas such as the prevention of

armed conflict, the stabilisation of fragile states, and the promotion of human rights.' The idea is that at the core of R2P, there is a specific focus on, and the prioritisation of, atrocity prevention in order to protect vulnerable populations from atrocity crimes. This must be distinguished from complementary norms such as conflict prevention and democracy promotion where atrocity prevention is usually epiphenomenal. This distinction is useful for practitioners because it alerts them to the possibility that in concrete situations the aligned norms that R2P may embrace in the abstract – e.g. conflict prevention and democracy promotion – may actually clash with the atrocity prevention norm when applied in concrete situations.[1]

As mentioned previously, the way the R2P norm cluster is defined may vary from one actor to the other – the same way the definition of principles and norms will – and this can partly be explained by the localisation process (Acharya, 2004) discussed in Section 2. When it comes to the UN, atrocity prevention is discursively linked to a wide range of other norms like conflict prevention, criminal justice, human rights, accountability, development, good governance and democracy promotion in the R2P norm cluster. This kind of linkage is evident, for instance, in the UN *Framework* document, which recognises that atrocity prevention is:

> an ongoing process that requires sustained efforts to build resilience of societies to atrocity crimes by ensuring that the rule of law is respected and that all human rights are protected, without discrimination; by establishing legitimate and accountable national institutions; by eliminating corruption; by

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[1] The literature that explicitly refers to 'norms clash' (Cortell and Davis, 2005) and 'norm collision' (Cardenas, 2004) pits international norms against domestic norms on a 'vertical' axis (see also our discussion on 'localisation'). Our point is that circumstance can also cause norms to clash on a 'horizontal' axis, which means the normative problem is not one of association to an international or national community, but one of normative priority in any given situation. On vertical and horizontal norm conflicts ,see Zürn, Faude and Kreuder-Sonnen (2018). We thank the anonymous reviewer for drawing this to our attention.

managing diversity constructively; and by supporting a strong and civil society
and pluralistic media. Failure by the State to provide such protection can create
an environment conducive to atrocity crimes (UN, 2014: 3).

In this way, protecting vulnerable populations ceases to be something that is related to an immediate and obvious threat of atrocity; it is also a matter of protecting human rights and supporting democracy, criminal justice, anti-corruption and press freedom. This offers normative actors the opportunity to claim they are implementing R2P by, for instance, promoting press freedom.

The *Framework* document also links atrocity prevention to other norms such as conflict prevention. It identifies 'situations of armed conflict or other forms of instability' as its first risk factor since 'it is clear that the risk of atrocity crimes acutely increases during these periods' (UN, 2014: 10). More than that, the *Framework* notes that 'other situations that are not typical armed conflicts can also put a State under such a level of stress that it becomes more prone to serious human rights violations and, eventually, to atrocity crimes.' Thus, 'political tension caused by autocratic regimes and severe political repression' and 'economic instability caused by acute poverty, mass unemployment and deep horizontal inequalities' (UN, 2014: 10) are identified as risk factors. Atrocity prevention in this way, is linked to regime change and poverty reduction.

This is not a criticism of the *Framework* document and the linkages it makes. There is, for instance, extensive evidence to support the claim that democratic regimes better protect their populations (see Rummel, 2017). The point instead is to emphasise that while these norms are complementary in abstract documents like the *Framework*, they might clash in their implementation. The complex relationship between conflict prevention and atrocity prevention is a good example of this since they have different goals and strategies. As Bellamy (2015a: 67) explains, 'whereas the former tries to find a mutually agreeable settlement, the latter is focused on dissuading an actor from committing atrocities.' Similarly, conflict prevention necessitates impartiality, while atrocity prevention leads to the distinction between victims and perpetrators

and to taking sides (Sharma and Welsh, 2015: 370; Reike, 2016: 587; Reike, Sharma and Welsh, 2013: 3). Additionally, some atrocities (such as the ones committed after the elections in Kenya) take place outside of situations of armed conflict or are not directly linked to that conflict (like the Holocaust) (Ban, 2009: 5, Bellamy, 2011: 2, 2015a: 67; Reike, Sharma and Welsh, 2013: 2). Finally, atrocity crimes and conflict do not have the same 'risk factors,' so using a conflict prevention tool to identify potential atrocity crimes is likely to be ineffective (Ralph, 2014).

This means that the implementation of R2P involves prioritising the prevention of atrocity crimes and that involves practical judgement on how best to protect populations from these specific crimes. That might mean compromising on other commitments when they clash with the directives of the atrocity prevention norm. From an R2P perspective, which is clear about the normative priority given to atrocity prevention, one might temporarily sacrifice democracy in order to prevent atrocity, but one cannot promote democracy by turning a blind eye to the threat of genocide. Any assessment of how well a state discharges its responsibility to protect therefore must assess the practical judgements of decision-makers, including their ability to engage in applicatory contestation so as to avoid acting on norms (e.g. conflict prevention and democracy promotion) that may be aligned to atrocity prevention in abstract strategies (or in different situations), but do nothing in that specific situation to prevent atrocities. These practitioners may well see conflict prevention and democracy promotion as ends in themselves, but if those ends are pursued at the expense of action directed at preventing atrocity, then the state would be acting irresponsibly in the normative context created by R2P. We now turn to the assessment of our case study to illustrate our point. Before investigating EU strategy in Myanmar, we analyse how the R2P norm cluster and the specific atrocity prevention norm were framed.

The localisation of R2P and atrocity prevention by the EU

The EU has been a strong supporter of R2P, even if its implementation of the norm cluster has been criticised (De Franco, Meyer and Smith, 2015, 2016; Smith, 2018). The EU, for instance, was the first regional organisation to appoint an R2P 'focal point' – a senior level official responsible for the promotion of R2P within its government or institution – and it regularly contributes to

debates at the UN (see for instance Adamson, 2016, 2017, 2018). Since the World Summit adopted R2P in 2005, the EU has publicly promoted the concept, emphasising its importance in key policy documents such as the *Consensus on Development* (EU 2006), the *Consensus on Humanitarian Aid* (EU 2008a), the *Report on the Implementation of the European Security Strategy* (EU 2008b), and its *Global Strategy for the EU's Foreign and Security Policy* (EU 2016). As the literature on norm diffusion has emphasised, however, norms are not simply transposed from the international to the regional or local spheres. In a process Acharya (2004) calls 'localisation', regional agents actively interpret norms, grafting their meaning so they fit pre-existing local norms (see Capie, 2008; Prantl and Nakano, 2011; Stefan, 2017). To determine how the EU, in adopting R2P, localised its meaning, we analysed official discourse across the various EU institutions.[2]

The meaning of R2P in EU official discourse is both narrow and broad. It narrows R2P by emphasising its preventative aspects. There is an acknowledgement of the responsibility to *react* in atrocity situations since 'non-action is not an option' (Vrailas, 2012), yet *prevention* is described 'as being at the heart of the responsibility to protect' (Mayr-Harting, 2013; also Smith, 2018). Within this focus on prevention, however, official EU discourse on R2P follows the tendency to be expansive. Like the UN *Framework* document discussed above, it links atrocity prevention to other norms such as conflict prevention, democracy, human rights, the rule of law, accountability, good governance, gender equality, development and media pluralism (see for instance Council of the EU, 2005; Serrano, 2010, 2011; Lidén, 2009; European Parliament, 2010, 2011, 2014, 2017, 2018; Vrailas, 2012; Mayr-Harting, 2013; Adamson, 2017, 2018; EU, 2019).

This is not surprising considering that the EU was at the forefront of conflict prevention even before the emergence of R2P (see in particular Council of the EU, 2001; European Commission and High Representative of the European Union for Foreign Affairs and Security Policy, 2013), and the EU considers itself as 'one of the most dedicated defenders and promoters of human

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[2] A list of the 67 documents analysed is available in the annex.

rights, fundamental freedoms, cultural values and diversity, democracy and the rule of law' (European Parliament, 2018). Furthermore, it should not be surprising that these distinct norms are linked because, as mentioned previously, their purpose is clearly aligned in ways that form a coherent cluster, at least conceptually. Indeed, extensive evidence confirms that the prevention of conflict and the promotion of democracy can help prevent atrocity crimes. It is indeed the case that 'many mass atrocity crimes occur during periods of violent conflict' (Committee on Foreign Affairs, 2013); and official EU discourse is not wrong to claim that atrocities are 'more likely to be committed in an environment of weak protection of human rights and bad governance' (Vrailas, 2012). Yet, our review of official discourse on R2P also showed limited acknowledgment that atrocity prevention was distinct from other norms valued by the EU, and no sense that its commitment to R2P meant the protection of vulnerable populations from specific atrocity crimes was normatively more important.

Atrocity prevention, for instance, was strongly linked to conflict prevention and the EU's 'Conflict Early Warning System' (EWS) is cited by officials claiming that the EU 'has been at the forefront of including the risk of atrocity crimes' into policy considerations (EU, 2015; Adamson, 2016, 2017; see also Mogherini, 2017). The EWS is impressive as a tool to assist conflict prevention. It draws on quantitative data generated by the *Global Conflict Risk Index*, which takes into account 25 risk factors (Joint Research Centre of the European Commission, 2018). The quantitative data is complemented by qualitative data, which relies on 'the checklist for structural risks of conflict' (European Commission and High Representative of the Union for Foreign Affairs and Security Policy, 2016a: 5) and is produced by intelligence based analysis undertaken by the Single Intelligence Analysis Capacity, previous early warning assessments, EU staff reviews, and external analysis compiled by NGOs.

But while this may appear to be a comprehensive assessment, both the qualitative and quantitative data do not consider core risk factors of mass atrocity as identified by the *UN Framework* such as 'capacity to commit atrocity crimes,' 'absence of mitigating factors', 'enabling circumstances or preparatory action', and 'triggering factors'. This failure to appreciate the

distinct qualities of atrocity and conflict prevention means that EU practices are less likely to effectively identify potential atrocity crimes, and less able to recognise which conflicts have a particular risk of escalating to a level where atrocity crimes are committed. This can be important in deciding where to allocate finite resources and we indeed illustrate this in the following sections.

Similar risks stem from the manner in which the commitment to protect vulnerable populations from atrocity crimes has been grafted onto the EU's commitment to promote human rights, democracy and good governance. The EU's approach to atrocity prevention, for instance, is described as 'multi-dimensional' (Adamson, 2017). It was summarised by Federica Mogherini (2015), the High Representative of the EU for Foreign Affairs and Security Policy, as follows:

> The EU is committed to atrocity crime prevention as an integral part of our conflict prevention work, including the EU Early Warning System. We also support the fight against impunity on many fronts, also in the framework of our Common Security and Defence Policy missions. The EU human rights and development policies enhance the protection of civilians by building capable institutions and promoting the respect of the human rights of all, including of persons belonging to minorities.

Again, there is a lot of evidence to support this statement. There is nothing in theory to suggest it is wrong. But as we demonstrate below with reference to the Myanmar case, a commitment to supporting a country's transition to democracy was problematic when the transitional government did little to address the threat of atrocity and the vulnerability of a particular ethnic group.

The EU's engagement of Myanmar

In May 1990, the Burmese National League for Democracy (NLD), the party of Nobel Peace Prize laureate Aung San Suu Kyi, recorded an overwhelming victory in the country's first elections in 30 years. When the military regime refused to seize power, the EU progressively imposed an arms

embargo; the interruption of defence cooperation; the suspension of all bilateral aid other than for humanitarian assistance; a visa ban on members of the military regime, government, and members of their families; and the pause of high-level governmental visits to the country (European Commission, 2004: 2). The EU-Myanmar relationship however began evolving after the reformist President U Thein Sein came to power in 2011. Under Sein, Myanmar witnessed improvements in press freedom and the release of political prisoners, including Suu Kyi. In response, and despite criticism from human rights groups (Hodal, 2012; Human Rights Watch, 2013), the European Council followed the wider international community in suspending (and then lifting a year later) all its sanctions, with the exception of the arms embargo (Council of the EU, 2013b). The EU also opened a delegation in Yangon in 2013 and while the Council of the EU (2013b) acknowledged the 'need to deal with inter-communal violence', it justified its decision by emphasising 'the changes that have taken place and ... the expectation that they will continue.'

This evolving relationship was set in the broader discursive context that focused on Myanmar's progress, which included the first openly contested general election in 2015 and a victory for the NLD. Lifting sanctions was seen as a way to assist this process (EEAS, 2018), and in line with the EU's strategic interests. As the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy (2016b: 2) put it, 'it [was] in the strategic interest of the EU to lend its full support to a successful transition towards effective democratic governance and sustainable development and mobilise all relevant EU policies and instruments for this purpose'. This can partly be explained by Myanmar's strategic position in the region, its natural resources, its potential to become a market for EU exports and investors, its tourism industry and the 'opportunities to modernise, diversify and liberalise the economy in virtually all sectors' (European Commission and High Representative of the Union for Foreign Affairs and Security Policy, 2016b: 11; see also European Commission, 2013, 2017). Additionally, a good relationship with Myanmar was seen as a way to strengthen the EU-ASEAN (Association of Southeast Asian Nations) partnership (see for instance European Commission and High Representative of the Union for Foreign Affairs and Security Policy, 2016b: 14; Council of the EU, 2016: 5).

Acting on this, the EU developed a strategy to 'promote peace, democracy and inclusive sustainable development' (Council of the EU, 2013a: 2) which consisted of 'supporting i) the peace process; ii) good governance including support for the democratisation process and iii) development assistance for inclusive socio-economic development in some focal sectors … (education; agriculture; rural development)' (EU diplomat, 2019a). It provided full scale assistance by undertaking initiatives such as setting up the EU-Myanmar Task Force – the first time such an initiative had been undertaken outside of the EU's immediate neighbourhood (EEAS, 2013a); creating the Election Observation Mission, which was deployed for the 2015 general election, and the Election Expert Mission to oversee the 2017 byelections (EEAS, 2018); providing €96 million for governance, rule of law, state capacity-building, €241 million for rural development, agriculture and food and nutrition security, €241 million for education, and €103 million for peacebuilding support for the period 2014-2020 (EEAS, 2018); supporting the EU police training project and the 'My Justice' programme to 'enhance access to justice for the poor, vulnerable and marginalised' (European Commission and High Representative of the Union for Foreign Affairs and Security Policy, 2016b: 4); and creating a trade preferences via the 'Everything But Arms' scheme, which allowed bilateral trade to reach €1.55 billion in 2016 (EEAS, 2018). All this contributed to the framing of the EU-Myanmar relationship as a mutually beneficial and 'special partnership' (European Commission and High Representative of the Union for Foreign Affairs and Security Policy, 2016b).

Crucially, for our purposes, this relationship developed while those looking at the situation through an unfiltered atrocity prevention warned of the high risk of atrocity crimes (Southwick, 2015; Kingston, 2015) and even pointed to an ongoing 'slowburning genocide' (Zarni and Cowley, 2014). In 2014, the US Holocaust Memorial Museum Early Warning Project identified Myanmar as the country most at risk of state-led killing (Southwick, 2015: 144). Leading humanitarians like Romeo Dallaire (2014) warned of 'the very real prospect of genocide.' UN Special Adviser on the Prevention of Genocide, Adama Dieng, and the UN Special Adviser on R2P, Jennifer Welsh, also repeatedly identified the specific vulnerability of Rohingya population (UN Press Release, 2013, 2015). Bellamy (2015b) from the APR2P, moreover, argued that the vulnerability of the Rohingya

population increased *because* of the democratic transition process. He warned in July 2015, for instance, that 'Myanmar's transition to democracy and the opening up of free speech has *sharply exacerbated* inter-communal tensions and prejudice' (see also Haacke, 2016).

This last point reflects an understanding in the literature that democratic transition can increase the risk of atrocity crimes. McLoughlin (2015: 28; see also Collier and Rohner, 2008; Snyder, 2000), for instance, accepts that '[t]here is no question that democratic regimes are far less likely to commit mass atrocities than autocracies.' He adds, however, that 'the process of transitioning authoritarian rule can be perilous' (McLoughlin, 2015: 29). Contributing to the existing literature (Collier and Rohner, 2008; Snyder, 2000), McLoughlin (2015: 30-34) demonstrates how political reform in Burundi, which culminated in the 1993 elections, did not end inter-ethnic rivalries. Of course, democratic transition does not necessarily lead to atrocities (McLoughlin, 2015: 34-37), but democratic transition can heighten risk factors. From this perspective, then, the complementarity across the democracy promotion and atrocity prevention norms – a complementarity that is repeated in official EU discourse on Myanmar – is not as straightforward as might first appear.

The question remains, however, as to whether the EU's comprehensive strategy towards Myanmar, which assumed its actions on conflict prevention and democracy promotion were consistent with a commitment to atrocity prevention, actually came *at the expense* of atrocity prevention considerations. Were there actions that were notionally legitimised by the norm cluster in EU strategy that would not have been taken had the distinct atrocity prevention norm been prioritised? Relatedly, were there atrocity prevention tools that should have been used but were not because of the way atrocity prevention was linked to other norms? If the answers to these questions are yes, then it suggests that the normative power of atrocity prevention was diluted by the way atrocity prevention was framed as part of a wider norm cluster.

Was the normative power of atrocity prevention diluted by the EU's strategy?

In this section, we highlight two instances where the way that atrocity prevention was clustered with conflict prevention and democracy promotion enabled the EU to take actions that would not have occurred had the atrocity prevention norm been dictating policy. In other words, despite the EU's claim that democracy promotion and conflict prevention are aligned with atrocity prevention, the EU undertook actions in the name of the norms of democracy promotion and conflict prevention that actually were contrary to what the norm of atrocity prevention would have directed had it not been subsumed by a wider norm cluster. In this way, the norm cluster at the heart of the EU strategy actually diluted the normative power of atrocity prevention.

First, the EU's assessment of risks in Myanmar relied on the existing 'conflict prevention machinery' (EU diplomat, 2019a). As explained in the previous section, this is problematic because conflict prevention is not always able to identify potential atrocity crimes since conflicts and atrocities have distinct risk factors. This was the case in Myanmar. The focus of the conflict prevention machinery was on states such as Kachin, Shan and Kayan where conflicts were ongoing. For instance, the assistance provided by the Joint Peace Fund, which was set up by 11 international donors including the EU to support the peace process in Myanmar, did not specifically address Rohingya vulnerability and was not distributed in Rakhine State (Joint Peace Fund, 2019). This reflected a sense that while the Rohingya were vulnerable, they were not a cause of conflict. It was also a consequence of the way the distribution of international aid was limited by government-approved structures (South, 2018: 57-58). Moreover, the EU's focus on conflict prevention meant that the 2015 ceasefire agreement created a sense of progress despite the continuing threat of genocide in Rakhine State.

Second, the lack of a distinct atrocity prevention lens and the focus on the democratic transition meant that the EU's comprehensive approach reduced Rohingya vulnerability to one of the many 'human rights challenges' Myanmar had to face (European Commission and High Representative of the Union for Foreign Affairs and Security Policy, 2016b: 7). The *EU Strategy* (European Commission and High Representative, 2016b: 8; see also EEAS, 2013b; 14, EU, 2014: 2), for

instance, argued that 'if unresolved, the situation risks undermining the democratic transition and tarnishing the image of the new Myanmar/Burma.' There is nothing wrong with that statement, of course, but the risk of genocide was also present, and the absence of references to this threat in EU discourse suggests a failure to understand that the specific threat facing the Rohingya was qualitatively different. Had an atrocity prevention lens been the only one used to interpret the Rohingya's situation, the threat of genocide would have been in sharper focus and that would have triggered the need to use the atrocity prevention tools that R2P experts (Bellamy, 2011: Reike, Sharma and Welsh, 2013; Sharma and Welsh, 2015; Straus, 2014; Woocher, 2012) have identified, such as aid conditionality or targeted sanctions when crimes did take place.

Indeed, all the common risk factors associated with atrocity crimes, as identified by the *Framework* document, were present as the EU forged its new relationship with Myanmar. Waves of violence had led the Rohingya to flee to neighbouring states (factor 1). There had been 'serious restrictions to or violations of international human rights and humanitarian law' as the Rohingya did not benefit from the same rights as the rest of the population and had to face persecution from the *Tatmadaw* (factor 2). Myanmar's 'national legal framework [did] not offer ample and effective protection' of the Rohingya, and in fact, even when the state had taken small steps to 'ease the persecution', they were 'often met with resistance, street protests, and violence' (Bellamy, 2015b) (factor 3). Hardline Buddhist nationalists sought to marginalise the Rohingya in order to homogenise the country (factor 4), a view that was shared even among certain pro-democracy activists (Southwick, 2015: 138). Security forces had already shown on several occasions that they had the ability to commit atrocity crimes (factor 5); and in terms of mitigating factors, the lack of international and European sanctions following the various waves of attacks showed that the plight of the Rohingya was not a priority for the international community (factor 6 and 7). Finally, there were 'acts of incitement or hate propaganda targeting' the minority (factor 8).

EU officials were of course aware of the Rohingya vulnerability (see for instance Council of the EU, 2013a; EEAS, 2013b; EU, 2014; European Commission and High Representative of the Union for Foreign Affairs and Security Policy, 2016b) and were not silent. As part of the EU's renewed relationship with Myanmar, the need to improve the treatment of the Rohingya was emphasised in official EU discourse. For instance, the *Comprehensive Framework for the EU's Policy and Support to Myanmar/Burma* (Council of the EU, 2013a: 2) explained that the government should '[address] the welfare needs and the status of the Rohingya minority. Most urgent is the need to deal with human rights and humanitarian needs of the displaced population. Restrictions on the freedom of movement and denial of access to health care should not be allowed to continue.' Yet the European Commission and High Representative of the Union for Foreign Affairs and Security Policy's (2016b, 8) extensive report on the EU strategy in Myanmar explained that, 'in addressing the complex challenges of Rakhine State', it was relying on 'political dialogue, humanitarian assistance and development cooperation, in close coordination with local authorities and communities' (see also ECHO, 2016; European Commission and High Representative of the Union for Foreign Affairs and Security Policy, 2016b: 6-8; EEAS, 2016). Specific tools of atrocity prevention were therefore not used and the EU laboured instead under the assumption that 'political dialogue' in the context of a democratic transition would protect the Rohingya. This was understandable because, as Southwick (2015: 150) explained in 2015, in 'the course of long-awaited democratic transition and global engagement, a temptation is to focus on areas of common ground and to table the difficult issues.' But, she added, 'the urgency of crimes against humanity and potential for genocide do not afford that courtesy'.

Another puzzling question from an unfiltered atrocity prevention perspective is why in 2016 the EU stopped using the tools it had used previously. In September, for instance, it did not sponsor a resolution on Myanmar at the UN Third Committee on Social, Humanitarian and Cultural issues, which holds states to account on human rights issues. It had previously sponsored resolutions every year between 2012 and 2015. The following month, in October 2016, attacks on the Rohingya population led to the displacement of 87,000 Rohingya (ECHO, 2018: 2), and according to the UN High Commissioner for Human Rights Zeid (2017a), the atrocities could have amounted

to crimes against humanity. Without acknowledging how the timing of this decision was problematic, the EEAS (2018: 2) justified the decision, pointing to 'the country's progress on democratic transition, the reinvigoration of the peace process and the positive steps taken by the new government to improve human rights.'

Our point is not that the support for democratisation is wrong, but in this instance, the EU paid insufficient attention to the risks of transition, and that misjudgement would have been less likely had the atrocity prevention norm, and the associated atrocity prevention lens, not been subsumed into the broader norm cluster. The normative power of atrocity prevention, in other words, was diluted by the way it was framed in EU strategy and discourse. If the EU had assessed the Rohingya situation using a distinct atrocity prevention lens that is separate from the norms of conflict prevention and democracy promotion, it would in fact have revealed a high risk of atrocity *despite* Myanmar's transition towards peace and democracy.

Other influences on EU policy

Our argument to this point is that EU policy towards Myanmar was consistent with a discourse that framed atrocity prevention as part of a broader norm cluster, which included conflict prevention and democracy promotion; and there is evidence, cited in the section above, that this enabled a misconception and underestimation of the threat faced by the Rohingya. It is not clear at this point in the argument, however, what specifically the EU would have done that was substantively different had the atrocity prevention norm directed policy without the influence of the conflict prevention or democracy promotion norms. As mentioned previously, R2P experts (Bellamy, 2011; Reike, Sharma and Welsh, 2013; Sharma and Welsh, 2015; Straus, 2014; Woocher, 2012) have argued that aid conditionality, diplomatic sanctions, travel bans, asset freezes, and trade embargoes are useful tools when it comes to responding to atrocity crimes. Would these have been implemented by the EU if atrocity prevention had not been grafted onto other norms in EU strategy or was the EU's normative framing and clustering of atrocity prevention inconsequential? In this section we explain that practical considerations were important, including doubts about the consequences of sanctions, the evidentiary standards

required to implement *targeted* sanctions, and the difficulties of formulating a common policy in the EU context. Taking these into account, however, we conclude that the EU's normative framing was still consequential.

The EU did resort to tougher measures, but only in *response* to the genocide that started in 2017. In addition to increased humanitarian aid (Delegation of the EU to Myanmar, 2017; EEAS, 2018), it agreed on 16 October 2017 to 'suspend invitations to the Commander-in-chief of the Myanmar/Burma armed forces and other senior military officers and review all practical defence cooperation' (Council of the EU, 2017). Following the political greenlight from its Council meeting on 26 February 2018 (Council of the EU, 2018b), moreover, the EU extended the existing arms embargo, 'prohibi[ted] the provision of military training to and military cooperation with the Myanmar/Burma army' and 'adop[ted] a legal framework for targeted restrictive measures against certain persons from the Myanmar Armed Forces (*Tatmadaw*) and the border guard police' (Council of the EU, 2018c). This framework made it possible, 'should crimes continue to go unpunished, to impose a travel ban and an asset freeze on individuals responsible for serious human rights violations' and obstructing investigations and humanitarian assistance (Council of the EU, 2018c) and allowed the EU to sanction seven specific senior military officials on 25 June 2018 (Council of the EU, 2018a), and another seven on 21 December 2018 (Council of the EU, 2018d). At the time of writing, the EU was also at the stage of 'enhanced monitoring', whereby it would explore the possibility of withdrawing trade privileges (Chau, 2019). If as EU officials now claim, these measures are deterring greater violations of human rights against the Rohingya population remaining in Rakhine State, it begs the question of why they were not implemented before 2017.

This is a particularly pertinent question to ask given the 2016 attacks, which were a 'prelude' (Adams, 2019) and possibly a test case for the clearance missions of 2017. After the 2016 attacks, however, the EU again relied on political dialogue, discussing the situation at the third Myanmar-EU bilateral Human Rights Dialogue (EEAS, 2016). It also co-sponsored a Resolution of the Human Rights Council in March 2017, which, after spending three paragraphs complimenting the

government on the progress made in terms of the democratic transition, authorised the urgent dispatch of the fact-finding mission (FFM) (Human Rights Council, 2017). So why did the EU not push for sanctions in 2016 if there was a high risk of genocide; if, as R2P experts tell us, sanctions can prevent genocide; and if, as EU officials tell us in 2019, sanctions are preventing further atrocities? Based on interviews with EU officials, three factors need to be emphasised, all unrelated to the way atrocity prevention was framed as part of a broader norm cluster.

First, there was a view that the EU had limited leverage over key actors in Myanmar, especially if regional powers such as China and Japan were unwilling to withdraw their support – which was ultimately more significant (see Adams, 2019: 9; Gaens, 2018; Khan, 2019: 23-24) – and if ASEAN insisted on treating the threat as an internal matter (Petcharamesree, 2016: 152-153). When it comes to the nature of the sanctions, there was a sense that re-imposing general sanctions risked losing what limited leverage the EU had without improving the situation of the Rohingya (EU diplomat, 2019a). There was also a consensus that a return to the pre-2013 general sanctions regime was unjustified and would disproportionately harm the Myanmar economy. It would, as Lee Jones (2017) argued to the UK House of Commons Foreign Affairs Committee, 'be a pointless exercise in virtue-signalling and would only further alienate Myanmar's nationalists and complicate the resolution of this extremely complicated issue.' Consequently, *targeted* sanctions were favoured.

Second, as targeted sanctions were appropriate, the creation of the FFM was crucial. As noted before, the FFM was authorised in March 2017. Waiting for it to report was important because targeting individuals with sanctions could not be done without evidence of their involvement, and that required the kind of evidence that could withstand challenge in, for instance, the European Court of Justice (EU diplomat, 2019a). Although the FFM was unable to access Myanmar, it was able to interview refugees in Bangladesh, and although its report was not released until August 2018, sufficient findings were available to EU officials from late 2017. This provided the basis for the targeted sanctions, but it took time. The European External Action Service (EEAS) may have diverted the process from the general practice by asking the EU

delegation in Myanmar to make suggestions ahead of the relevant EU Council meeting, but it still took until June 2018 for targeted sanctions to be implemented.

This leads us to the third factor. Any argument on EU foreign policy always needs to take into account the difficulty of gaining consensus among the 28 member states before action can be taken. As Adams (2019: 9) notes, the UN Security Council is often reduced by the great power veto to 'lowest common denominator diplomacy.' The EU's insistence on consensus decision-making has a similar effect. For instance, the EU did not want to use the word 'genocide' in 2017 because there were concerns about the instrumentalisation of the principle, because it had legal implications that only the fact-finding mission could determine, and because such a move would have had to be agreed by the 28 member states, which tends to soften the language that can be used. Similarly, when it comes to the targeted sanctions, not only was there a variety of positions on their effectiveness, but member states were also aware of the interests they would forgo if some sanctions were revived. As a consequence, some member states such as the UK, France, Denmark, Sweden, the Netherlands and Finland were clearly supportive of sanctions, while others were initially more reluctant.

The timing of the Advisory Commission on Rakhine State, which was led by Kofi Annan, also played an important role in mobilising international consensus. Following a request from Suu Kyi, it was given the task in September 2016 of examining the challenges facing Rakhine State and to propose answers. There was a possibility then that the Rohingya's vulnerability would be at the centre of Myanmar's relations with the international community. The recommendations it (Advisory Commission on Rakhine State, 2017) reported in August 2017, included the need to plan 'for the provision of security and livelihood opportunities [of IDPs] at the site of return/relocation', and 'ensure that humanitarian assistance is provided in accordance with international protection principles, including do-no-harm, impartiality, non-discrimination, protection from physical and psychological harm.' It also reiterated 'the recommendation in its interim report that the Government should ensure – based on independent and impartial investigation – that perpetrators of serious human rights violations are held accountable.'

These recommendations, however, were published too late to act on. Two days later, the clearance operations began. Indeed, it is possible that the *Tatmadaw* decided to accelerate the violence to pre-empt the international community's response to the Annan report. That is a matter of speculation, but the point being made is that in the absence of an international political consensus, it was difficult for EU member states to take the lead or even agree among themselves that taking a tougher line was the right thing to do. There were signs with the Annan report, and the FFM, that the political and legal environments were changing in ways that made that possible. But in the meantime, the 2017 attacks took place and the EU, like the rest of the international community, once more found itself responding to – rather than preventing – genocide. The more general point is that this analysis suggests political and practical factors, rather than the way the EU's normative commitments were framed, might explain the way it responded to the threat and commission of atrocities in Myanmar.

Taking political and practical factors into account is important, but it does not mean that the way the atrocity prevention norm was linked in a norm cluster to other norms was inconsequential. First, to reduce the analysis to a realist argument that interests rather than norms determined EU policy does not explain why general sanctions were imposed in 1990; nor why they were lifted in 2012. Indeed, it is evidence of the normative power of democracy promotion, that EU member states were only able to pursue their material interests once a transition to democracy had started in Myanmar. It also demonstrates the relative weakness of atrocity prevention that general sanctions were lifted, and member states could pursue their interests, while the threat of genocide was high. EU discourse denies the trade-off between democracy promotion and atrocity prevention, but we argue that it simply demonstrates the discursive power of the norm cluster. The way atrocity prevention was bundled together with democracy promotion enabled the EU to claim it was responsibly pursuing its interests when clearly the democratic transition in Myanmar was failing to protect the Rohingya.

Second, neither is it the case that the norm cluster was inconsequential simply because there were practical considerations influencing EU policy. Certainly the targeted sanctions imposed in June 2018 needed to wait for the FFM, which was only created after the 2016 atrocities, but that does not explain why the EU did not push for the FFM after the 2012 atrocities for instance, or in response to the constant warnings from civil society. Our argument, again, is that the EU was able to argue in this period that it was properly discharging its responsibility to protect by supporting the democratic transition and conflict resolution only because atrocity prevention was discursively aligned with these norms in EU strategy. When in early 2016 there was sufficient progress in democratic transition and conflict prevention, the norm cluster contributed to a misplaced sense that progress was also being made on atrocity prevention. In actual fact, as events showed, the EU underestimated the Rohingya's vulnerability to genocide.

Conclusion

The concept of 'norm cluster' (Winston, 2017) is a useful heuristic device for understanding how normative agents align otherwise distinct norms, and how new norms are 'grafted' on to existing ones. Applying this concept helps interpret the R2P's 'meaning in use' (Wiener, 2009) and the way international actors like the EU implement it. Protecting vulnerable populations from genocide, ethnic cleansing, war crimes and crimes against humanity is at the abstract core of the R2P norm cluster and the EU discursively 'localised' that by grafting its meaning on to other norms central to its global strategy, including conflict prevention, human rights, good governance and democracy promotion. Drawing on recent theoretical developments in constructivist norm studies, which are more oriented to assessing the practical judgement of normative agents as they navigate applicatory contestation, this article sheds light on the as yet unstated normative implication of clustering norms in this way. Distinct norms that are complementary in the abstract and aligned in theory and strategy can clash in their application to concrete situations.

This was illustrated in this article with reference to the EU's policy toward Myanmar between the start of its democratic transition in 2011 and the Rohingya genocide that began in 2017. We found that the way the norm of atrocity prevention was grafted onto other related yet distinct

norms – in particular, conflict prevention and democracy promotion – led the EU to underestimate the threat of genocide and to place too much faith in the idea that Myanmar's transition towards peace and democracy would protect the Rohingya. The prioritisation of atrocity prevention within EU strategy, and the application of an unfiltered atrocity prevention lens, could have warned the EU about the risks associated with Myanmar's transition.

We also examined whether this argument gave too much weight to the influence of norms, and normative framing, by examining political and practical influences on EU policy. Clearly, these were significant, but they operated in a context that was structured by a normative understanding that the EU could pursue interests so long as they were consistent with its commitment to promote democracy; and the fact that this understanding saw no need to start earlier the process of implementing targeted sanctions to protect the Rohingya reveals how the normative power of atrocity prevention was diluted by the norm cluster in EU strategy.

Two implications flow from this analysis. First, the article addresses practitioner frustration by clarifying what it means to commit to, and properly discharge, the responsibility to protect. This entails prioritising atrocity prevention as the most important objective of R2P. Other norms such as conflict prevention and democracy promotion may be aligned to this goal but ultimately, they are *means* to the end of atrocity prevention and can be compromised when they do not serve atrocity prevention strategies. Relatedly, clarifying R2P's complexity in this way informs risk mapping because it elevates the significance of those conflicts and human rights abuses that have the potential to turn into one of the four atrocity crimes at the core of R2P. This is difficult to acknowledge for normative actors who are equally committed to preventing conflict and promoting democracy, and our conclusion is that EU strategy should continue to pursue these goals. But if, as a consequence, the EU squanders opportunities to prevent atrocity crimes, it cannot also claim to be properly discharging its responsibility to protect.

Second, the article supports Smith's (2018: 22) conclusion that the EU could be quicker to take preventative action based on the warning signs of atrocities, and Bellamy's (2015a: 69)

conclusion that R2P requires 'injecting atrocity prevention' as a distinct norm 'into existing policies, programs, and capabilities and, when necessary, "convening" or "coordinating" these assets for prevention purposes.' The EU has taken steps in this direction. In May 2019, for instance, it released its own *Atrocity Prevention Toolkit.* This has been developed mainly under the leadership of the EEAS and has been shared with EU delegations globally with a view to informing their political reporting (EU diplomat, 2019b). This internal document is meant to identify a combination of structural risk indicators and imminent warning signs specific to atrocity crimes and to put forward steps that can be taken to prevent atrocities. Significantly, there is now also a recognition within the EEAS of the importance of highlighting the distinct quality of atrocity prevention, and raising awareness of R2P to give its own distinct space in strategy and practice (EU, 2019; EU diplomat, 2019b).

In regard to Myanmar, the €221 million education programme announced in March 2019 also introduced some elements of conditionality by emphasising that the programme needed to provide 'equal access to better quality education for all students in Myanmar' (Delegation of the EU to Myanmar, 2019). While this kind of measure is unusual considering that the European Commission is in charge of these programmes and does not like to add political conditions (EU diplomat, 2019a), it is an encouraging step from an atrocity prevention point of view. Finally, the EEAS is in the process of thinking about linking the retention of Myanmar's trade privileges to the implementation of the Annan report (Chau, 2019), as well as implementing 'smarter sanctions' (EU diplomat, 2019a), which would have a more concrete impact on the perpetrators of atrocities by also addressing their economic interests.

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