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**EFSAS ARTICLE**

No. 3 | April 2022

# One Year After the Myanmar Coup

## Taking Stock

## One Year After the Myanmar Coup: Taking Stock

### What happened a year ago?

The 1st of February marked an anniversary that gives little cause for celebration. It was early in the morning of February 1st 2021 when military officials rounded up representatives of the National League for Democracy (NLD), Myanmar's largest political party that had just recently been re-elected by a resounding victory; among those detained was Aung San Suu Kyi, the internationally celebrated Nobel peace laureate and leader of the NLD who to many symbolizes the non-violent struggle against the military dictatorship that had governed the country with an iron grip up until the early 2010s. Despite her fall from grace in the international arena, when Suu Kyi went to the unexpected extent of venturing onto the international stage to defend the Myanmar military's genocide against the Rohingyas, an act that seems to have earned her little extra favour from the military, Suu Kyi remains widely revered and loved in Myanmar. As armoured vehicles rolled into NayPyiDaw and Yangon, Myanmar's political and economic centers, the country went into a state of shock: the coup took most Myanmar citizens by surprise.

In hindsight, the events of February 2021 should not have been all that surprising. For one, it is well-documented in literature that young democracies emerging from military rule are prone to repeated forcible regime changes: militaries ceasing power to civilian administrations will usually not retire from the political scene but carve out autonomous spaces within the nominally democratic system so as to secure their corporate interests, i.e., the continued flow of rents, decision-making power, and possibly immunity for crimes its members may have committed in the course of military dictatorship. The resulting praetorian – i.e., not quite civilian - government will have the sword of Damocles hanging over it so long as it fails to subordinate the armed forces to civilian institutions; if it attempts to do so, however, it will make itself vulnerable to toppling by a military seeing its privileges threatened.

Myanmar, which for most of its existence as an independent State had been administered by successive military dictatorships only interrupted by short episodes of quasi-civilian rule is a case in point. The Tatmadaw, as Myanmar's armed forces are locally known, had seized power in 1962 in the context of highly strained inter-ethnic relations within the country: besides the Buddhist Bamar majority, Myanmar's borderlands are inhabited by some 135 different ethnic groups with diverse linguistic and religious traditions, many of which resist being subject to rule by Bamar elites. The generals who engineered the 1962 coup exacerbated an already tense atmosphere by further promoting Bamar dominance in a bid to gain legitimacy with the masses; numerous ethnic militia groups that subsequently sprang up in Myanmar's borderlands were met with brute force, leading to the civil war-like situation that was to trap Myanmar in a state of underdevelopment for decades to come.

Amateurism and ignorance by a military government preoccupied with consolidating its grip over the country and extracting rents from the State rather than building it to the benefit of the people brought Myanmar to the brink of economic ruin, with popular grievances culminating in the so-called '8888 uprising' of 1988, a protest movement which, similar to the

2021 protests, was put down with unforgiving force. It was not before 2015 that truly fair and free elections would eventually be held as a result of intense external and internal pressures; to the surprise of many observers, the Tatmadaw allowed its most vocal adversary and clear winner of the elections, Suu Kyi's National League for Democracy, to take over the government, with the caveat that the country be ruled under a Constitution drafted by the Tatmadaw itself. This Constitution ensured that the military would be locked firmly into Myanmar's political setup by guaranteeing it the sole mandate for defense-related matters along with the right to appoint the Minister of Defense, the Minister of Borders and the Minister of Home Affairs, hence segregating key ministerial positions from the democratic process. Crucially, furthermore, the Constitution allocated 25% of unelected parliamentary seats to the military's political wing, the Union Solidarity and Development Party (USDP), and set the bar for constitutional reform at 75%, thus effectively providing the military with *de facto* veto power on constitutional matters. The Constitution also contained a clause allowing for declaration of a state of emergency in cases where there have been *"acts or attempts to take over the sovereignty of the Union by insurgency, violence and wrongful forcible means"* – a clause the military likes to cite in order to frame the coup as a legal measure in line with the constitution (International Center for Non-Profit Law, 2021).

Throughout the period between Myanmar's last democratic elections in November 2020 and the Coup in February 2021, tensions between the Tatmadaw and the elected NLD government had been building up. While the NLD had again clearly prevailed in the 2020 elections winning over 80% of parliamentary seats open for democratic competition, popular support for the Union Solidarity and Development Party (USDP), the Tatmadaw's political wing, proved vanishingly small. The latter lamented that the outcome was the result of electoral fraud – a claim that was never substantiated – and called for a repetition of the elections, a demand that was rejected by the NLD. Making the Tatmadaw accountable to Myanmar's political institutions had been the NLD's long-standing objective; the coup may hence be interpreted as a panic reaction by the military which, especially in light of the well-documented crimes it had committed against various ethnic minorities in Myanmar's borderlands, had much to fear from subordination by the country's elected institutions. Another cynically banal but perhaps crucial factor furthermore might have been the army commander in chief's ego: Min Aung Hlaing had just reached the 65 mark, the age of retirement for a Tatmadaw army general. Perhaps Min Aung Hlaing simply was not willing to go without leaving his mark.

In Yangon, the short-lived episode of shock was followed by mass outrage. As the sun set on February 2nd, the sound of pans and pots being banged on in a show of protest filled the streets; in the days that followed, more people took to the streets by the day in what a prominent Yangon-based journalist called *"carnival-like protests"* (Lintner, 2021), which quickly spread across the country. Things took a darker turn before long, however, and soon mass arrests, late-night raids and indiscriminate shooting at protesting crowds set the tone for the relationship between the Tatmadaw and its antagonists. Min Aung Hlaing left no doubt about his stance: *"you should learn from the tragedy of earlier ugly days that you can be in danger of getting shot to the head and back"* was his televised message to those people whose protection ought to be his mandate (Human Rights Watch, 2021).

From there, things quickly escalated. A massive, State-wide Civil Disobedience Movement disabled an economy already weakened by the effects of the COVID-19 pandemic, while international investors and tourists retreated; a shadow government, the National Unity Government (NUG), was formed by former lawmakers and pro-democracy activists and called upon citizens to launch a full-blown revolution against the military dictatorship, resulting in the spontaneous taking up of arms by civilians across the State, ready and willing to die for their cause. The Tatmadaw made sure that many did: using the same brachial tactics it had tried and tested against various minority groups in pre-coup times, aerial attacks against civilian targets, mass killings and the burning to the ground of entire villages became the material of daily news stories; the civilian death toll by today is estimated to lie at about 1,500, a count that includes women, children and the elderly, with many more displaced, tortured and raped.

Myanmar's Suu Kyi was later prosecuted on account of clearly fabricated charges, and the whereabouts of a large portions of pro-democracy activists remain unknown to this day (Eckert, 2021). Still, the spirit of the resistance remained hopeful: surely the international community, which after all had been so vocal about the rights of the Rohingya minority, would do something about such blatant and widespread violations of human rights; furthermore the universally loathed coup would, according to optimistically-minded commentators, rally Myanmar's some 135 ethnic groups behind a common goal, perhaps providing an opening for inter-ethnic reconciliation in the context of a State that had been plagued by ethnic strife since its independence. Yet today, one year later, the crisis has become intractable. On one hand, militant resistance and popular detestation for the Tatmadaw are unwavering but lack the organizational capacity – funding, experience and coordinative capacity - needed to force the Tatmadaw to its knees; the Tatmadaw, on the other hand, may score low on popular support but has the access to vast pool of resources to make up for what it may lack in numbers. All the while the international community, in responding half-heartedly and incoherently, too has failed to change the power equation in any meaningful way.

**The Resistance: Movement or Movements?**

Armed conflict in Myanmar is not a novelty: the war - or better: wars – between Myanmar's military and various ethnic armed organizations (EAOs) had merely been pushed into the State's hinterland where, at uneven intensity levels, they had been simmering for decades.

While the EAOs view the Tatmadaw rather than each other as their main antagonists, their loyalties have never really extended beyond the respective ethic communities they claim to represent – the Chin National Front (CNF) for the Chin people, the Karen Liberation Army (KLA) for the Karen people, the Arakan Army (AA) for the Arakanese, and so forth – and thus failed to present a united front to the Tatmadaw. In the wake of the military coup the NUG called for the formation of a People's Defense Force (PDF), a sort of federal army that was to incorporate existing EAOs as well as new revolutionary forces that had sprung up spontaneously, and that were to be trained by the militarily more experienced EAOs.

A resistance army as envisioned by the NUG, however, never became a reality. The reference to the militia groups that popped up unevenly in response to the NUG's call as 'PDFs'

– plural – rather than 'PDF' is indicative for the failure to consolidate an internally coordinated movement. Unity among the range of established EAOs did not materialize either: while some EAOs pledged loyalty to the NUG and thereby committed to the unification of disparate ethnic movements, others opted to exploit the situation to advance their own, locally rooted interests. The Arakan Army, for example, an ethnic militia group that with its some 30,000 troops had been the Tatmadaw's most potent pre-coup antagonist, rather than participating in the resistance took advantage of the fact that the Tatmadaw was occupied elsewhere by consolidating its grip on Rakhine State; it is currently in the process of building its own administrative infrastructure in the region (Lintner, 2022). Other large EAOs, such as the United Wa State Army (UWSA) in Myanmar's Northeast or the Restoration Council of Shan State (RCSS) similarly have opted to protect their resources, including the drug trade, rather than joining the Alliance (Gravers, 2021).

Thus, although it may be true that the resistance against the military is more determined, more durable and more widely supported than it had ever been, it may just not have enough clout to decisively shift the power equation. The Tatmadaw had traditionally pursued a 'divide-and-rule' strategy that involved engaging some EAOs in intense warfare while signing temporary ceasefires with others – hence keeping the threat as a whole manageable – and is able to continue pursuing this same strategy in the context of poor inter-ethic solidarity.

**Words are cheaper than action, or: why no one steps in**

Might insufficient pressure 'from below' be offset by a robust international response capable of altering the Tatmadaw's cost-benefit analysis? While the usefulness of foreign interference with internal conflict is generally a matter of controversy, the particularities of the Myanmar case indicate that international intervention will unlikely be the silver bullet the Myanmar people had hoped it to be.

It is not for lack of a multilateral institutional presence with a potential mandate to intervene on behalf of Myanmar's pro-democracy movement that no decisive steps have been taken by the international community. The UN Security Council, under Chapter VII of the UN Charter, has access to a range of high-impact measures upon determination of the *"existence of any threat to the peace, breach of the peace, or act of aggression"* (United Nations, 1945) to which it can take recourse even in absence of warring parties' consent – and for which, given the spillovers of the conflict into neighboring States such as India, Thailand or Bangladesh, a solid case could be made. Yet the Security Council's institutional decision-making design largely paralyzes it from taking concrete action: China and Russia, both permanent members to the Security Council and both having a long track record of using their veto powers to shelter Myanmar's successive military regimes from Security Council interference, pre-empt any significant SC-mandated endeavor. It was thus highly unlikely from the onset that the UN would be able to adopt any far-reaching measure such as the deployment of peacekeeping forces or a referral of the case to the International Criminal Court; still it is somewhat disappointing that it has failed to even rally its permanent members behind a relatively low-cost, un-intrusive measure such as the imposition of a legally binding arms embargo. Given this condition, the UN had to confine itself to watered-down rhetorical

condemnation and calls to stop the flow of arms into Myanmar which, given their non-binding nature, constitute little more than pieces of paper.

ASEAN, an organization with limited geographical reach but a high degree of regional legitimacy, similarly has missed its chance to prove that it is more than the 'toothless tiger' it is sometimes made out to be. ASEAN's soft governance methodology, centering on the principle of non-interference and consensus-seeking among members rather than the use of coercive diplomacy, may have proven useful in strengthening regional economic and diplomatic relations but are hardly suited to throw a die-hard repressive regime off its track. ASEAN's attempts at mediating between the warring parties – e.g., by issuing a 'Five-Point Consensus', demanding amongst other things, a cessation of violence and the pursuance of constructive dialogue among all parties and by, in an unprecedented move, barring Tatmadaw representatives from attending ASEAN summits – might send the right signal but are unlikely to translate into any meaningful behavioural change in the Tatmadaw's practices.

The absence of a multilateral body capable of orchestrating an authoritative, integrated response to the atrocities committed in Myanmar affords States the discretion to unilaterally formulate a foreign policy response in line with their respective interest in the case. States such as Canada, the EU, the US and the UK, who all have few economic or political stakes in Myanmar but like to fashion themselves as bastions of democracy have taken recourse to more coercive measures including arms embargoes and targeted financial sanctions on military functionaries and military-owned enterprises, while on the opposite side of the spectrum States such as China and Russia, who barely conceal their prioritization national interest over international human rights considerations, have cheerfully jumped in to fill the gap left by the retreat of Western partners by expanding their own trade and investment schemes, including in military equipment, with the Tatmadaw. China in particular, besides benefiting from access to Myanmar's market has also extended critical components of its Belt and Road Initiative (BRI) across the State including deep sea ports, transport links and dams, the operability of which depends on the maintenance of good relations with whatever government is in charge: this explains China's protective stance toward the Tatmadaw. Meanwhile the majority of regional powers such as India, Japan and Australia, rather than unambiguously condemning or supporting the Tatmadaw have adopted a cautious 'wait-and-see' attitude: they may vest moral authority in democratic ideals but have been reluctant to adopt far-reaching economic sanctions due to the fear that isolating Myanmar further would propel it deeper into China's embrace and hence strengthen a superpower regionally perceived as hegemonic (Justice for Myanmar, 2022).

Academic discourse is divided as to the question of sanctions' usefulness in nudging behavioural changes of repressive regimes. While comprehensive 'blanket' sanctions have somewhat gone out of fashion due to the acknowledgement that they harm civilians more than political leaders, *targeted* sanctions applied to individuals and/or entities rather than entire economies, usually in the form of asset freezing orders and criminal prohibitions to engage with designated individuals/entities, are known to inflict lesser damage on civilian populations but require certain conditions to be fulfilled in order to bite. Most of all, they must be able to actually financially squeeze their targets, which is only possible when they are imposed seamlessly. In Myanmar's case, the reluctance of States to implement a strict sanctions regime necessarily renders this endeavor difficult, particularly in light of the fact

that Myanmar has far deeper economic ties with China: it accounts for roughly one third of Myanmar's total trade, thus rendering the Western-led sanctions regime effectively futile.

Besides, the Tatmadaw has in the past two decades built its own, private economic empire that shelters it from foreign-induced financial ruin. This empire, comprising a combination of licit and illicit industries including the highly lucrative narcotics trade, continues to generate vast revenue streams and functions as a cushion against international sanctions (Combs, 2022).

**Uncertain prospects**

It currently appears unlikely that the Tatmadaw will be able to tip the balance in its favor. Newspaper articles suggest that, in fact, militia groups have successfully consolidated territorial control in various parts of the country. The Tatmadaw does benefit from military capacity – weapons, equipment, and access to funds - vastly superior to that of its opponents, but its strategic advantages end there. The however dispersed resistance, on the other hand, has a clear tactical edge in variables such as sheer numbers and wide-spread popular support, intricate knowledge of local geographies and a high degree of mobility as well as, not least, strong determination, while discipline within lower military ranks is evaporating as manifested in a high defection count (Zin 2022). The question is, rather, how long the coup leaders will cling to power: how many more people will have to be murdered, how many more villages reduced to rubble and how many more will have to flee their homes. Given the large costs associated with accepting defeat – the loss of economic privileges and, perhaps more crucially, the prospect of trial before a national or international court – it is unlikely that the Tatmadaw's top brass will hand down the sceptre voluntarily as long as it can continue financing this asymmetric war against its own people. In light of this, Min Aung Hlaing's repeated assurances to hold multi-party elections in 2023 seem but an eyewash meant to appease international audiences.

The most ruinous, and regrettably most likely scenario in the short term, is a further escalation of the conflict, leading to civil war and State failure as neither party manages to deliver a fatal blow to the other, neither is willing to make concessions and any attempt at a political solution to the conflict moves further out of reach. If the Tatmadaw's equation changes so as to make stepping down from power less costly than the continuation of warfare, it may attempt to forge a praetorian power-sharing arrangement similar to that of pre-coup times, however, this possibility is vehemently rejected by almost all stakeholders to the resistance (The Guardian, 2022). Even if the military is eventually forced to step down, Myanmar will have to brace for what has sometimes been termed 'post-revolutionary disillusionment': while the subordination of the military to democratic institutions is the first necessary step towards some semblance of stability, there are numerous hurdles Myanmar will have to overcome in order to be able to call itself a genuine democracy. Inter-ethnic relations and the institutionalization thereof will be a particularly sensitive issue: how should a future constitution look like? Will ethnic communities agree to a federal constitution as proposed by the NUG, or will they attempt to break off from the State? How can groups like the Arakan

Army, which do not accept the authority of the NUG, be compelled to integrate into a State it does not consider itself part of?

Yet, one must try to end this overall pessimistic line of though with an optimistic note: Although there certainly is no fast solution to Myanmar's many woes, the country has a trump card that other States finding themselves caught in protracted conflict settings might not have. While relationships among the leading elites of identity groups, militant ones in particular, may be defined by mistrust and competition, Myanmar's *societal* resilience is extraordinarily high. In absence of any official protective net, what has emerged is, as described in a commentary by *The Diplomat,* a *"decentralized web of local responders, ethnic service providers, civil society organizations, humanitarian actors and groups aligned with the NUG and Civil Disobedience Movement"* (Lee et al, 2021). While such civilian endeavors in the short term are of little help in terms of conflict resolution, they still leave leeway for hope that, once military affairs settle down, national reconciliation may be a possibility.

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